

# 2010

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 34, Issue 12  
March 19, 2010  
Pages 3347-3733

Index Department  
Administrative Code Division  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>

Printed on recycled paper

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PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
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19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
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34	August 9, 2010	August 20, 2010
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36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
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46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011



ILLINOIS BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, book keeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER VI: BOARD OF EXAMINERSPART 1400  
CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

## Section

1400.10	Administrative Functions
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## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by Section 26 of the Illinois Public Accounting Act [225 ILCS 450/26].

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325; amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13315, effective September 26, 1997; amended at 28 Ill. Reg. 4548, effective March 5, 2004; emergency amendment at 28 Ill. Reg. 16485, effective December 17, 2004, for a maximum of 150 days; emergency expired May 15, 2005; amended at 29 Ill. Reg. 19524, effective November 21, 2005; emergency amendment at 31 Ill. Reg. 11373, effective July 27, 2007, for a maximum of 150 days; emergency expired December 23, 2007; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1400.90 The Educational Requirement****a) Examination Qualifications**

- 1) As provided in the Act, after January 1, 2001, to be admitted to take the Uniform Certified Public Accountant Examination, an applicant must provide proof of successful completion of:**
  - A) 150 semester credit hours, as defined, of college or university study that includes an accounting concentration or equivalent; and**
  - B) received a baccalaureate or higher degree; and**
  - C) meet any of the requirements set out in subsection (c)(1), (2) or (3).**
- 2) Applicants who have taken the Uniform Certified Public Accountant Examination at least once before January 1, 2001 may take the examination under the qualifications in effect when the examination was first taken.**

**b) Definitions**

## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

- 1) Board – Illinois Board of Examiners (IBOE).
- 2) Semester Credit Hours or SCH – conventional college or university semester credit hours.
- 3) 150 SCH – accumulation of all credits earned and posted to the applicant's official college or university transcripts.
- 4) Conversion of Quarter Credit Hours to SCH – quarter credit hours may be converted to SCH by multiplying quarter credit hours by two-thirds.
- 5) Internship – faculty approved and appropriately supervised short-term work experience, usually related to student's major field of study, for which the student earns academic credit as posted to the applicant's official college or university transcripts.
- 6) Life Experience – college level life experience posted on a college or university transcript as academic credit that has been assessed by appropriate faculty and/or staff of that institution as earned competence. Those areas addressed in the review of life experience should at a minimum contain the context of the experience in relation to work and studies and a detailed description of the experiences.
- 7) AICPA Content Specification Outlines or CSOs – extent of the technical content identified to be tested on each of the four sections of the Uniform Certified Public Accountant Examination. The outlines list the areas, groups and topics to be tested.
- 8) Colleges or Universities – Board-recognized institutions of higher education accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation (CHEA) and/or the U.S. Department of Education (USDE). Recognition means the accrediting organization is certified as legitimate and competent. An individual program within a larger accredited institution may be separately accredited by a professional or specialized organization. Business schools recognized by the Board are accredited by the Association to Advance Collegiate Schools of Business (AACSB) or the Association of Collegiate

## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

Business Schools and Programs (ACBSP). Programs in accounting recognized by the Board are accredited by AACSB.

- 9) Integration of Subject Matter – program of learning in which certain subjects that may be discrete courses in some colleges or universities are integrated or embedded within related courses. Colleges or universities that use an integrated approach to cover multiple course subjects will need to provide evidence of the required coverage. Acceptance of integration of any subject matter is subject to Board approval. Proof of coverage may be provided through specific evaluation by a national accrediting organization recognized by CHEA, such as AACSB or ACBSP, in which evidence is provided to assure the Board that the respective subjects adequately cover the desired content.
  - 10) Ethics – program of learning that provides a framework of ethical reasoning, professional values and attitudes for exercising professional skepticism and other behavior that is in the best interest of the public and profession. At a minimum, an ethics program should provide a foundation for ethical reasoning and the core values of integrity, objectivity and independence.
  - 11) Graduate Credit Hours – hours earned in courses classified by the college or university as post-secondary level courses leading to a master's degree. For purposes of meeting the accounting or business hours requirement, one graduate SCH is equivalent to 1.6 SCH earned at the undergraduate level.
  - 12) Applicant – person who has applied to sit for the Uniform Certified Public Accountant Examination.
- c) Examination Admittance  
An applicant will be deemed to have met the educational requirement if, as part of the 150 SCH of education, or equivalent as determined by the Board, the applicant has met any one of the following three conditions:
- 1) Earned a graduate degree from an accounting program that is accredited in accounting by an accrediting agency recognized by the Board (see subsection (b)(8));

## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

- 2) Earned a graduate degree from a business program that is accredited in business by an accrediting agency recognized by the Board (see subsection (b)(8)) and completed at least 30 SCH in accounting as described in subsection (d) at the undergraduate level, or the equivalent at the graduate level;
  - 3) Earned a baccalaureate or higher degree from an accredited education institution recognized by the Board (see subsection (b)(8)) and:
    - A) completed 30 SCH in accounting as described in subsection (d) at the undergraduate level, or the equivalent at the graduate level; and
    - B) completed at least 24 SCH in business other than accounting, as described in subsection (e), at the undergraduate level, or the equivalent at the graduate level.
- d) Accounting Course Requirements
- 1) Accounting courses are those courses commonly included in the accounting curriculum. The required 30 SCH in accounting must include all of the subject matter listed in this subsection (d)(1). The 30 SCH in accounting may also include cost accounting, not-for-profit accounting, governmental accounting, internships and life experiences, research and analysis and other areas included in the CSOs that are approved by the Board. The subject matter of the CSOs shall include:
    - A) Financial accounting;
    - B) Auditing;
    - C) Taxation;
    - D) Management accounting.
  - 2) Internships and life experiences credits included in the 30 SCH in accounting are limited to a maximum of three SCH.
  - 3) The 30 SCH in accounting must include two SCH in research and analysis in accounting. The subject matter may be a discrete course or may be

## ILLINOIS BOARD OF EXAMINERS

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integrated throughout the undergraduate or graduate accounting curriculum. Integrated courses must meet the requirements of subsection (b)(9). Two SCH in research and analysis in accounting is the maximum allowed in meeting the 30 SCH requirement.

e) Business Course Requirements

1) Business courses are those courses commonly included in the business curriculum and cover some or all of the following subject matter content:

A) Business ethics;

B) Business law;

C) Economics;

D) Management;

E) Marketing;

F) Finance;

G) Business communication;

H) Business statistics;

D) Quantitative methods;

J) Information systems;

K) Internship and/or life experience; or

L) Other areas as may be approved by the Board.

2) Internships and life experience credits included in the 24 SCH in business are limited to a maximum of three SCH.

3) Two SCH in business communication and three SCH in business ethics is the maximum allowed in meeting the 24 SCH requirement. For integrated

## ILLINOIS BOARD OF EXAMINERS

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courses across the accounting and business curriculums, SCH may only apply in meeting either the accounting or business SCH requirement. The 24 SCH in business must include two SCH in business communication and three SCH in business ethics. The subject matter may be discrete courses or integrated throughout the undergraduate or graduate accounting curriculum or business curriculum. For example, if a three SCH course in accounting includes one SCH in business ethics, two SCH may count toward accounting requirements and one SCH may count toward the business ethics requirement.

f) Authorization to Test

- 1) Except as otherwise provided in subsection (f)(2), proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.
- 2) First time candidates who apply for the examination after August 15, 2007 may be granted provisional approval of in-progress courses taken at colleges and universities located in the United States. Candidates granted provisional approval shall be allowed 120 days from the date of taking the first section of the Uniform Certified Public Accountant Examination to provide evidence that all requirements have been completed. No exam scores will be released to the candidate until all final official credentials are received and eligibility verified by the Board. If final transcripts verifying completion of all courses for eligibility to test are not received by the Board within 120 days after taking the first examination section of the Uniform Certified Public Accountant Examination, scores for all Uniform Certified Public Accountant Examination sections authorized with provisional approval will be voided. Only one provisional Authorization to Test will be issued to a candidate.

g) Evaluation of Foreign Credentials

The Illinois Board of Examiners reserves the right to evaluate all foreign academic credentials. Evaluations completed by outside agencies are not accepted. Factors that are considered when evaluating foreign educational credentials are:

- 1) The official status of the institution that issued the credentials;

## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

- 2) The type of education that the credential represents: secondary, tertiary, academic, technical, vocational, pre-professional, in-service or part of a certificate, diploma or degree program;
  - 3) The authenticity of the credential;
  - 4) The role the credential plays in the educational system of the country from which it came;
  - 5) The recognition of the credential in the country where the candidate is from; and
  - 6) The U.S. equivalent of the quantity and quality of education the credential represents.
- a) ~~As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois certified public accountant examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours shall be in business law. Candidates may apply to take the certified public accountant examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.~~
- b) Acceptable credit recognized by the Board is:
- 1) ~~credit earned from a college or university which is a candidate for or is accredited by a regional accrediting association which is a member of the Commission on Recognition of Postsecondary Accreditation (CORPA);~~
  - 2) ~~credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB), or~~
  - 3) ~~Association of Collegiate Business Schools and Programs (ACBSP).~~
- e) ~~To be admitted to take the examination for the first time after January 1, 2001, a candidate for the Illinois CPA examination must have successfully completed at~~

## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

~~least 150 semester hours of acceptable credit including a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (c)(1) through (4). With each of the conditions listed, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.~~

- ~~1) Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.~~
  - ~~2) Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.~~
  - ~~3) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.~~
  - ~~4) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and completed at least 24 additional semester hours in business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.~~
- d) For purposes of subsection (c), the formula for conversion of semester hours to quarter hours is 1 semester hour times 1.5 equals 1 quarter hour.

## ILLINOIS BOARD OF EXAMINERS

## NOTICE OF PROPOSED AMENDMENT

e) ~~Authorization to Test~~

- 1) ~~Except as otherwise provided in subsection (e)(2), proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.~~
- 2) ~~First time candidates who apply for the examination prior to July 1, 2005 will be granted provisional approval of in progress courses taken at domestic institutions. Candidates granted provisional approval shall be allowed 60 days from the date of taking the first section of the examination to provide evidence that all requirements have been completed. No grades will be released to the candidate until all final official credentials are received and eligibility verified by board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within 60 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.~~

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3) Section Number: 190.70                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305/34 (4)]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 96-141 codified certain technical amendments to the Illinois Credit Union Act. One of those amendments (to Section 34 (4) of the Act) pertained to loan loss accounting by credit unions and the determination of the appropriate balance/reserve in that account. The key amendment in that regard was to allow a credit union, in consultation with a certified public accountant and in accordance with the Federal Generally Accepted Accounting Principles (GAAP), to come up with a historical loan loss rate using a period of less than five years (which was the required period of time prior to the amendment). That part of PA 96-141 (effective August 2009) put the Act in compliance with GAAP and this rulemaking amends the rules accordingly.
- 6) Published studies or reports, along with the sources of underlying data, that were used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

Craig Cellini, Rules Coordinator  
Department of Financial and Professional Regulation  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, Illinois 62767-0001

217/785-0813

FAX: 217/558-4451

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping, or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated in time to be included in the Department's January 2010 Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 190

## ILLINOIS CREDIT UNION ACT

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## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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190.APPENDIX A Estimated Monthly Income and Expenses Worksheet

190.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793, effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 27, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317, effective September 15, 1998; emergency amendment at 23 Ill. Reg. 3086, effective February 23, 1999, for a maximum of 150 days; emergency expired July 22, 1999; amended at 23 Ill. Reg. 12614, effective October 4, 1999; amended at 23 Ill. Reg. 14031, effective November 12, 1999; amended at 25 Ill. Reg. 6244, effective May 17, 2001; amended at 25 Ill. Reg. 13278, effective October 19, 2001; amended at 26 Ill. Reg. 17999, effective December 9, 2002; amended at 28 Ill. Reg. 11699, effective July 29, 2004; amended at 29 Ill. Reg. 10579, effective July 8, 2005; amended at 30 Ill. Reg. 18919, effective December 4, 2006; amended at 32 Ill. Reg. 1377, effective January 16, 2008; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 190.70 Loan Loss Accounting Procedures**

- a) For the purpose of absorbing and reporting loan losses, all credit unions must establish, at a minimum, the following accounts in the general ledger:
- 1) Allowance for Loan Losses (ALL) – A portion of the statutory Regular Reserve segregated and reported as a direct reduction of loans. The ALL shall fairly present the value of loans and probable losses for all categories of loans. Adjustments to the ALL shall be made prior to the distribution or posting of any dividend to the accounts of members.
  - 2) Provision for Loan Losses (PLL) – An expense account, immediately preceding dividend expense, used to reflect the cost of losses on loans. Replenishment of the allowance for loan losses must be expensed using the PLL account. At a minimum, adjustments to the allowance for loan losses shall be made prior to the distribution or posting of any dividend to the accounts of members so that the valuation allowance for loan losses established fairly presents the value of loans and probable losses for all categories of loans. The allowance for loan losses must encompass:
    - A) ~~specifically identified substandard doubtful or loss loans;~~
    - B) ~~pools of classified loans;~~
    - C) ~~pools of unclassified loans (consumer, credit card, mortgage,~~

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~~business, etc.); and~~

~~D) a general portion, as needed, for all other loans and credit instruments.~~

- b) The ~~Allowance for Loan Losses (ALL)~~ shall be established and maintained subject to the following requirements:
- 1) The ALL shall be established based upon separate loss calculations reflecting loans secured by real estate and loans not secured by real estate. A credit union may further segment its loan portfolio, to recognize loss contingencies, by identifying risk characteristics that are common to groups of loans. Portfolio segmentation and impairment measurement may be based upon many factors, including without limitation major loan types and product line segments with differing risk characteristics.~~is initially established by a one-time transfer from the Regular Reserve (RR). The portion of the ALL adjustment that is attributable to the initial adoption of the Individual Classification method may be made through a one-time entry to the undivided earnings account and shall only be permitted as a result of a statutory examination. Any subsequent replenishment of the ALL must be expensed using the Provision for Loan Losses (PLL) Account. Except as provided herein no subsequent transfer from the Regular Reserve is permitted after the initial establishment of the Allowance for Loan Losses.~~
  - 2) The ALL shall be maintained at a level equivalent to an amount computed using an historical loan~~both the past five calendar years average~~ loss experience ratio and an individual classification of probable losses for all consumer and real estate loans. *In determining the appropriate balance in the ALL, a credit union may determine its historical loss rate using a defined period of time of less than 5 years, provided that:*
    - A) The credit union employs a certified public accountant to perform its annual external independent audit;
    - B) The methodology developed by the credit union to determine the defined period of time is formally documented in the credit union's policies and procedures or management memoranda, and is appropriate to the credit union's size, business strategy and loan

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portfolio characteristics, and the economic environment of the areas and employers served by the credit union;

- C) Supporting documentation is maintained by the credit union for a period of no less than three audit cycles for the technique used to develop the credit union loss rates, including the period of time used to accumulate historical loss data and the factors considered in establishing the time frames; and
- D) The external auditor conducting the credit union's financial statement audit has analyzed the methodology employed by the credit union and concludes that the financial statements, including the allowance for loan losses, are fairly stated in all material respects in accordance with U.S. Generally Accepted Accounting Principles, as promulgated by the Financial Accounting Standards Board [205 ILCS 305/34(4)].

3) To the extent consistent with U.S. Generally Accepted Accounting Principles, the design and implementation of ALL methodologies and supporting documentation practices shall be in accordance with the National Credit Union Administration's Interpretive Ruling and Policy Statement (IRPS) 02-3 and any subsequent revisions and/or updates to this IRPS.

4) A credit union that does not employ a certified public accountant to perform an annual external independent audit shall utilize the five-year period preceding the subject fiscal period to compute its historical loan loss experience ratio. A credit union not employing a certified public accountant to perform its annual external independent audit may adjust the five-year historical time period to more accurately reflect its loan loss experience, upon application to and receipt of written approval from the Director.

5) Historical Loss Experience Ratio

- A) The historical loss experience ratio is computed by dividing the total net loan losses for the appropriate period of time determined by the credit union under subsection (b)(2) or (b)(4), as applicable, by an amount representing the average loan balances for the

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defined period. The resulting ratio is multiplied by the total loans outstanding, less:

- i) loans that have been classified individually; and
- ii) pools of homogenous loans for which an estimated loss percentage has been utilized.

B) A new credit union will determine its historical loss experience ratio using available data. As used in this subsection (b)(5), "net loan losses" means loan chargeoffs, less loan recoveries, for the defined period of time. Pursuant to subsection (a)(2)(C), if

6) If a pool consists of a large group of smaller balance homogeneous loans, a credit union may utilize an estimated loss percentage on the pool to be determined by collectively evaluating the pool of loans for impairment in accordance with U.S. Generally Accepted Accounting Principles, as permitted by generally accepted accounting principles (GAAP) (Miller, Comprehensive GAAP Guide, Harcourt, Brace & Co., 6277 Sea Harbor Dr., Orlando FL 32877, 1997 (no subsequent dates or editions)). The portion of the ALL attributable to the pool of loans may be determined by applying the estimated loss percentage to the total outstanding balance of the loans comprising the pool instead of individually classifying delinquent loans in the pool. ~~An individual loan within a smaller balance homogeneous loan pool shall not exceed a credit union's unsecured lending limits set forth in Section 190.160. Separate ALL's shall be established for loans secured by real estate and for those loans not so secured.~~

- c) Delinquency is defined as the failure to make a required payment on or before the contractual due date. Loans delinquent more than 60 days, bankruptcy and loans that exhibit deficiencies that impair their full collectibility shall be classified as either substandard, doubtful or loss.
  - 1) Substandard Loans – A substandard loan is one that is inadequately protected by the current sound worth and paying capacity of the obligee or of the collateral pledged. Loans classified as substandard have a well defined weakness or weaknesses that jeopardized the liquidation of the debt. They are characterized by the distinct possibility that the credit

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union will sustain some loss if the deficiencies are not corrected. Loans in this category shall generally be listed in a range from zero to under 50 percent potential loss.

- 2) Doubtful Loans – A loan classified doubtful has all the weaknesses inherent in a loan classified substandard, with the added characteristic that the weaknesses make collection or liquidation in full, on the basis of currently existing facts, conditions and values, highly questionable and improbable. The possibility of loss is extremely high, but because of certain important and reasonable specific pending factors which may work to the advantage and strengthening of the loan, its classification as an estimated loss is deferred until a more exact status may be determined. Loans in this category shall be listed at a minimum 50 percent potential loss.
- 3) Loss Loans – Loans classified as loss loans are considered uncollectible and shall be listed at 100 percent potential loss. Loans considered loss loans include, but are not limited to:
  - A) Any loan 180 days or more delinquent without a payment of at least 75% of the contractual payment within the last 90 days. Involuntary transfers from shares and proceeds from the sale of collateral and insurance settlement shall not be considered as payments.
  - B) Any loan that is 180 days or more delinquent and referred to an attorney or a collection agency.
  - C) Any loan which was previously 180 days or more delinquent, has been refinanced or extended and has subsequently become 90 days or more delinquent. In instances where a delinquent loan is refinanced or extended and does not fully and fairly disclose the delinquency as determined in a statutory examination of the credit union, the loan shall be immediately classified as a loss loan.
  - D) Any loan with respect to which the borrower has filed a Chapter 7 bankruptcy petition and has been granted a discharge by the court.
  - E) Any loan with respect to which the borrower has filed a Chapter 13

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bankruptcy and the credit union has not received a payment within 180 days or more after the confirmation of the plan, unless the plan stipulates repayment of the loan in full and the credit union has determined from the Trustee that plan payments are being made on a timely basis to the Trustee but have not yet been disbursed to the credit union.

- F) Any loan with respect to which the borrower's whereabouts is unknown (a "skip") unless there is a comaker whose whereabouts is known and the loan is less than 180 days delinquent.
  - G) Any loan where a "deficiency balance" has resulted from the sale of collateral or an insurance settlement unless there is documented evidence of periodic payments on a consistent basis in an amount sufficient to retire the deficiency balance in a reasonable time.
- 4) Where there is evidence of collectibility of loans meeting the loss loans criteria of subsection (c)(3) of this Section, the credit union's records shall list the loans and classify them as substandard or doubtful and detail the evidence of collectibility used to exclude each loan from the loss loan category. Evidence of collectibility shall be the following collection activities and remedies:
- A) Execution and filing of an enforceable reaffirmation agreement on the loan in a Chapter 7 bankruptcy proceeding prior to completion of the Division's loan analysis in any statutory examination of the credit union.
  - B) Voluntary repayment of the loan pursuant to Section 524(f) of the federal Bankruptcy Code (11 USC 524(f)).
  - C) Collection of the loan pursuant to repossession of collateral without judicial process, or by replevin, detinue, forcible entry and detainer or mortgage foreclosure proceedings.
  - D) Collection of the loan pursuant to post-judgment enforcement remedies including wage deduction, garnishment and turnover orders entered in citation to discover assets supplementary proceedings.

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- E) The entry of a judgment pay plan order providing for repayment of the loan in a judicial proceeding.
  - F) Documented evidence of repayment of that portion of the loan covered by collateral protection or other insurance policies.
  - G) Documented evidence of periodic payments on a consistent basis in an amount sufficient to retire the loan balance in a reasonable time.
- 5) ~~The Five Year Average Loss Ratio is computed by dividing a sum not exceeding the total of the past five year's net loan losses by a sum not exceeding the total of the last five year's December 31 loan balances. The resulting ratio is to be multiplied by the total loans outstanding less the loans that have been classified individually or as pools of smaller balance homogeneous loans. Based upon the asset cycle of the credit union, the credit union, after receiving the written approval from the Director, may adjust the historical time period to more accurately reflect the credit union's loan loss experience. A new credit union not having a Five Year Average Loss Ratio for loss loans will be evaluated using available data.~~A) Before every dividend declaration or every closing date, all delinquent and bankrupt loans shall be individually classified as either substandard, doubtful or loss. All loans classified as losses must be charged off to the ALL.
- B) ~~In calculating the proportion of net income that shall be transferred to the Regular Reserve, any amounts already taken as PLL during the calendar year shall be subtracted from the statutory reserve transfer. In the event the amount of PLL exceeds the statutory reserve transfer that has been calculated, an amount equivalent to the difference between the two shall be transferred from Regular Reserve to Undivided Earnings.~~
- d) Nothing in this Section shall be applicable to the establishment of an Allowance for Loan Losses account for business loans. Business loans shall be classified pursuant to Section 190.165.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## AUDITOR GENERAL

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 225
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
225.10	Repeal
225.110	Repeal
225.210	Repeal
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3 (h)]
- 5) A Complete Description of the Subjects and Issues Involved: The rules set forth in this Part are either addressed in other rules or statute, outdated, or both. Section 225.10, Public Information, is addressed in rules adopted by the Office of the Auditor General at 2 Ill. Adm. Code 601, which is in the process of being amended due to changes made by PA 96-542, effective January 1, 2010; Section 225.110, Rulemaking Procedure, was outdated by Section 2 of PA 84-345, effective January 1, 1986; and Section 225.210, Membership of the Board, is set forth in the State Finance Act at 30 ILCS 105/12-1.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect create or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposal:

Becky Patton, Legal Counsel  
Office of the Auditor General

## AUDITOR GENERAL

## NOTICE OF PROPOSED REPEALER

740 E. Ash St.  
Springfield, IL 62703

217/782-6046  
888/261-2887 (TTY)

All written comments filed within 45 days after the date of publication of this Notice will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was initiated as a result of PA 96-542, which was not approved by the Governor until August 17, 2009, with an effective date of January 1, 2010.

The full text of the Proposed Repealer begins on the next page:

AUDITOR GENERAL

NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE A: LEGISLATIVE AGENCIES  
CHAPTER VIII: LEGISLATIVE TRAVEL CONTROL BOARD

PART 225

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION (REPEALED)

SUBPART A: PUBLIC INFORMATION

Section  
225.10           Public Information

SUBPART B: RULEMAKING

Section  
225.110         Rulemaking Procedure

SUBPART C: ORGANIZATION

Section  
225.210         Membership of the Board

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) and authorized by Section 12-5 of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 148-5).

SOURCE: Adopted at 2 Ill. Reg. 33, p. 22, effective August 17, 1978; codified at 8 Ill. Reg. 11390; repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: PUBLIC INFORMATION

**Section 225.10 Public Information**

Members of the public can obtain information or make submissions or requests on subjects, programs, and activities of the Board through the Office of the Auditor General, State of Illinois, 509 South Sixth Street, Springfield, Illinois, 62706. (Telephone 217/782-0805)

SUBPART B: RULEMAKING

## AUDITOR GENERAL

## NOTICE OF PROPOSED REPEALER

**Section 225.110 Rulemaking Procedure**

The rulemaking procedure for the Board is as follows:

Rules are voted upon by the Board in accordance with standard parliamentary procedure at regular open public meetings held once each quarter. Thereafter, additional public notice is given and procedures are followed in accordance with the Illinois Administrative Procedure Act and the Rulemaking Procedures for Codification (1 Ill. Adm. Code 100) of the Office of Secretary of State.

## SUBPART C: ORGANIZATION

**Section 225.210 Membership of the Board**

The Legislative Travel Control Board shall consist of the following members serving ex-officio: the Auditor General as Chairman, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. Any member may designate a deputy to serve in his place at any or all meetings of the Board.

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 601
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
601.110	Amendment
601.200	Amendment
601.210	Amendment
601.300	Amendment
601.310	Amendment
601.400	Repeal
601.410	Repeal
601.500	Amendment
601.510	Amendment
601.520	Amendment
601.APPENDIX A	Repeal
601.APPENDIX B	Repeal
601.APPENDIX C	Repeal
601.APPENDIX D	Repeal
601.APPENDIX E	Repeal
601.APPENDIX F	Repeal
601.APPENDIX G	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3 (h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]
- 5) A Complete Description of the Subjects and Issues Involved: The rules are being amended to conform to changes made by Public Act 96-542, effective January 1, 2010, to the Freedom of Information Act. Significant changes include shortening the timeframe for responding to a request for records from seven to five business days, updating fees for copies of public records to conform to the amended law, identifying materials that are immediately available on our web site, and setting forth recourse in the event a request for records is denied.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

## AUDITOR GENERAL

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect create or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposal:

Becky Patton, Legal Counsel  
Office of the Auditor General  
740 E. Ash St.  
Springfield, IL 62703

217/782-6046  
888/261-2887 (TTY)

All written comments filed within 45 days after the date of publication of this Notice will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: January 2010

The full text of the Proposed Amendments begins on the next page:

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER V: AUDITOR GENERAL

PART 601  
FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

- Section
- 601.100 Summary and Purpose
- 601.110 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

- Section
- 601.200 Person to Whom Requests are Submitted
- 601.210 Form and Content of Requests

SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS FOR PUBLIC RECORDS

- Section
- 601.300 Time for Response
- 601.310 Types of Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

- Section
- 601.400 Appeal of a Denial ~~(Repealed)~~
- 601.410 Auditor General's Response to Appeal ~~(Repealed)~~

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

- Section
- 601.500 Inspection of Records
- 601.510 Copies of Public Records
- 601.520 ~~General Materials~~ Immediately Available ~~From the Freedom of Information Officer~~

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

601.APPENDIX A	Request for Public Records ( <u>Repealed</u> )
601.APPENDIX B	Fee Schedule for Duplication and Certification of Public Records ( <u>Repealed</u> )
601.APPENDIX C	Approval of Request for Public Records ( <u>Repealed</u> )
601.APPENDIX D	Denial of Request for Public Records ( <u>Repealed</u> )
601.APPENDIX E	Partial Approval of Request for Public Records ( <u>Repealed</u> )
601.APPENDIX F	Deferral of Response to Request for Public Records ( <u>Repealed</u> )
601.APPENDIX G	FOIA Appeal/Auditor General's Response ( <u>Repealed</u> )

AUTHORITY: Implementing and authorized by Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 9 Ill. Reg. 1027, effective January 16, 1985; amended at 18 Ill. Reg. 7739, effective May 9, 1994; amended at 19 Ill. Reg. 4995, effective March 17, 1995; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTRODUCTION

**Section 601.110 Definitions**

Terms used in this Part~~these rules~~ shall have the same meaning as in the~~The~~ Freedom of Information Act.

"FOIA" means the~~The~~ Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records and, in the Office of the Auditor General, the OAG Librarian (or other person designated by the Auditor General in case of vacancy in that position).

"OAG" means Office of the Auditor General.

"Requester" means a person who submits a request for public records in accordance with this Part~~these rules~~.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

**Section 601.200 Person to Whom Requests are Submitted**

Requests for public records shall be submitted to the Freedom of Information Officer of the Office of the Auditor General. Requests for public records may be submitted by mail, e-mail, hand delivery or facsimile, directed to the FOI Officer, as follows~~shall be submitted to the following address:~~

FOI Librarian/FOIA Officer  
Office of the Auditor General  
Iles Park Plaza  
740 East Ash  
Springfield, Illinois 62703-3154  
(217)782-6698 (phone)~~782-1055~~  
(888)261-2887 (TTY)  
(217)785-8222 (facsimile)  
auditor@mail.state.il.us

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 601.210 Form and Content of Requests**

- a) Requests must be made in accordance with FOIA. ~~Such requests may be submitted on FOIA request forms provided by the Office of the Auditor General. (See Appendix A to these rules.)~~
- b) The requester shall provide the following information in a request for public records:
- ~~1)~~ The requester's full name, address and phone number;
  - 12) A description of the public records sought, being as specific as possible;
  - 23) Whether the request is for inspection of public records, copies of public records, or both; and
  - 3) Whether the public record is being obtained for a commercial purpose.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS FOR PUBLIC RECORDS

**Section 601.300 Time for Response**

- a) OAG shall respond to a written request for public records within five business ~~seven (7) working~~ days after the receipt of thesuch request.
- b) OAG may give notice of an extension of time to respond not exceeding which does not exceed an additional five business ~~seven (7) working~~ days. AnSuch an extension is allowable if written notice is provided within the original seven (7) working day time limit for the reasons provided in Section 3(ed) of FOIA. TheSuch notice of extension shall state the reasons why the extension is necessary and the date by which the responserecords will be made available or denial will be forthcoming.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 601.310 Types of Responses**

- a) ~~OAG shall respond to a request for public records in one of three ways:~~
- 1) ~~Approve the request;~~
  - 2) ~~Approve in part and deny in part;~~
  - 3) ~~Deny the request.~~
- ab) Upon approval of a request for public records, OAG may either make available the materials, give notice that the material shall be made available upon payment of allowable costs, or give notice of the time and place for inspection of records.
- be) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, in accordance with either Section 3(f) or Section 7 of FOIA and the names and titles or positions of individuals responsible for the decision. It shall also give notice of the requester's right to review by the Public Access Counselor established in the Office of the Attorney General and the requester's right to judicial review under Section 11 of FOIA ~~appeal to the Auditor General.~~

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- d) ~~Categorical requests creating an undue burden upon OAG shall be denied only after extending to the requester an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with FOIA Section 3(f).~~
- ce) Failure to respond to a written request within ~~five business~~seven (7) working days after receipt will be considered by the requester a denial of the request.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

**Section 601.400 Appeal of a Denial (Repealed)**

- a) ~~A requester whose request has been denied by the Freedom of Information Officer may appeal the denial to the Auditor General. The notice of appeal shall be made in writing and sent to:~~

~~The Auditor General  
Hes Park Plaza  
740 East Ash  
Springfield, Illinois 62703-3154~~

- b) ~~The notice of appeal shall include a copy of the original request, a copy of the denial received by the receiver, and a statement of the reasons why the appeal should be granted.~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 601.410 Auditor General's Response to Appeal (Repealed)**

~~The Auditor General shall respond to an appeal within seven (7) working days after receiving notice thereof. The Auditor General shall either affirm the denial or provide access to the requested public records.~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

**Section 601.500 Inspection of Records**

- a) The inspection of records shall normally occur at the office of the Freedom of Information Officer during usual working hours (8:30-4:30 M-F). Either OAG or the requester may request that inspection take place in another location, but OAG may deny a requester's request if inconvenient to the production of records.
- b) Documents ~~which~~ the requester wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by employees of the Office of the Auditor General.
- c) An OAG employee may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases or other containers into the inspection room.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 601.510 Copies of Public Records**

- a) Copies of public records not exempt from disclosure under FOIA will be provided unless the requester makes arrangements to personally inspect the public records as provided in Section 601.500. The first 50 pages are provided free of charge. The OAG reserves the right to charge fees to reimburse its actual cost for reproducing public records exceeding 50 pages, as allowed by FOIA~~shall be provided to the requester only upon payment of any charges which are due.~~
- b) If the OAG incurs extraordinary shipping expenses for sending copies of public records to the requester, the OAG reserves the right to seek reimbursement of those actual shipping expenses from the requester. Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records" attached as Appendix B to these rules. However, pursuant to FOIA Section 6(b), "Documentation shall be furnished without charge or at a reduced charge where [OAG] determines that waiver or reduction of the fee is in the public interest because furnishing information can be considered as primarily benefiting the general public."
- c) Charges may be waived or reduced in any case in which~~where~~ the FOI~~Freedom of Information~~ Officer determines that the waiver serves the public interest.

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 601.520 ~~General Materials~~ Immediately Available ~~From the Freedom of Information Officer~~**

Detailed information about the OAG is publicly and immediately available at the OAG web site: [www.auditor.illinois.gov](http://www.auditor.illinois.gov). The OAG web site provides a description of the OAG's mission and responsibilities, organizational structure, categories of public records, and the process for obtaining public records. Public records immediately available on the web site include audit reports issued by the OAG, the OAG's quarterly and annual reports, audit advisories, and Legislative Travel Control Board meeting minutes and policies. ~~The Freedom of Information Officer shall make available to the public at no charge the following materials:~~

- ~~a) Bound audit reports, the OAG Annual Report, and other OAG rules and regulations (as long as supplies last).~~
- ~~b) A list of types and categories of other public records maintained by the Office of the Auditor General.~~
- ~~c) A brief description of the means for requesting information and public records, listing the title and address of the OAG FOIA Officer to whom requests should be directed and including the Fee Schedule for copying and certifying public records.~~
- ~~d) A brief description of the Office of the Auditor General, including a short summary of its purpose, organizational chart, amount of its operating budget, number and location of its offices, approximate number of full and part-time employees, and identifying the Commission which advises OAG, exercises some control over its policies, and to which it reports.~~

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

**Section 601.APPENDIX A Request for Public Records (Repealed)**

<p>TO: _____</p> <p>FOIA Officer</p> <p>_____</p> <p>Auditor General's Office</p> <p>_____</p> <p>Address</p> <p>_____</p>	<p>FROM: _____</p> <p>Name</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>_____</p> <p>Phone Number</p>
--	--

~~DESCRIPTION OF REQUESTED RECORD(S):~~

~~Please indicate if you wish to inspect the above-captioned records or wish to copy them:~~

~~Inspection                       Copy                       Both~~

~~Do you wish to have copies certified?~~

~~FOR OFFICE USE ONLY:~~

~~\_\_\_\_\_~~  
~~Date Received~~

~~\_\_\_\_\_~~  
~~Date Response Due~~

~~Notations re Oral Communications or Other Items:~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

**Section 601.APPENDIX B Fee Schedule for Duplication and Certification of Public Records (Repealed)**

Type of Duplication	Charge Per Page
<del>Bound Audit Report</del>	<del>FREE*</del>
<del>Annual Report</del>	<del>FREE*</del>
<del>FOIA and other OAG Rules and Regulations</del>	<del>FREE*</del>
<del>Photocopy from paper original (possibly higher charges for sizes different from 8½" x 11" or 8½" x 14")</del>	<del>\$.10</del>
<del>Photocopy from microfilm</del>	<del>.10</del>
<del>Photocopy from computer original</del>	<del>.35</del>
<del>Certification of Public Records</del>	<del>.50</del>

~~\* If supplies available for distribution are exhausted, requester will be charged .10 a page per photocopy.~~

~~Some records possessed by OAG are in book or pamphlet form. A charge may be assessed for such materials based upon the cost of such materials incurred by OAG.~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

**Section 601.APPENDIX C Approval of Request for Public Records (Repealed)**

<b>TO:</b>	_____	<b>FROM:</b>	_____
	Name		FOIA Officer
	_____		_____
	Address		Auditor General's Office
	_____		_____
			Address
	_____		_____
	Phone Number		

~~DESCRIPTION OF REQUESTED RECORD(S):~~

~~Your request dated \_\_\_\_\_ for the above-captioned records has been approved.~~

- ~~The documents you requested are enclosed.~~
- ~~The documents will be made available upon payment of copying costs in the amount of \_\_\_\_\_.~~
- ~~You may inspect the records at \_\_\_\_\_ on \_\_\_\_\_ Date~~

_____	_____
FOIA Officer	Date

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

**Section 601.APPENDIX D Denial of Request for Public Records (Repealed)**

TO:	_____	FROM:	_____
	Name		FOIA Officer
	_____		_____
	Address		Auditor General's Office
	_____		_____
			Address
	_____		_____
	Phone Number		

~~DESCRIPTION OF REQUESTED RECORD(S):~~

~~Your request dated \_\_\_\_\_ for the above-captioned records has been denied.~~

- ~~The materials requested are confidential under the Illinois State Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 303-11 and 306-1) [30 ILCS 5/3-11 and 5/6-1] and implementing Regulations (74 Ill. Adm. Code 420: Subpart G).~~
- ~~The request creates an undue burden on the public body in accordance with Section 3(f) of The Freedom of Information Act, and we were unable to negotiate a more reasonable request. Compliance with the request would cause an undue burden on the Office of the Auditor General for the following reason(s):~~
- ~~The materials requested are exempt under Section 7 of The Freedom of Information Act for the following reasons:~~

~~The individuals who have reached the determination that the records you have requested are to~~

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

~~be denied are:~~

~~1)~~

~~2)~~

~~You have the right to appeal the denial of the records you have requested to the Auditor General by submitting a written notice of appeal to:~~

~~The Auditor General  
Hes Park Plaza  
740 East Ash  
Springfield, Illinois 62703-3154~~

~~In submitting your notice of appeal, you should include copies of your original request and this denial, and state any reason(s) why your appeal should be granted.~~

~~FOIA Officer~~

~~Date~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

Section 601.APPENDIX E Partial Approval of Request for Public Records (Repealed)

<p>TO: _____</p> <p>Name</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>_____</p> <p>Phone Number</p>	<p>FROM: _____</p> <p>FOIA Officer</p> <p>_____</p> <p>Auditor General's Office</p> <p>_____</p> <p>Address</p> <p>_____</p>
---	---

DESCRIPTION OF REQUESTED RECORD(S):

Your request dated \_\_\_\_\_ for the above-captioned records has been partially approved. Those parts of your request which have been approved:

- are enclosed.
  - will be made available upon payment of copying costs in the amount of \_\_\_\_\_.
  - may be inspected at \_\_\_\_\_ on \_\_\_\_\_.
- Date

The following portions of your request have been denied for the reasons(s) cited:

The individuals who have reached the determination that the records you have requested are to be partially denied are:

- 1)
- 2)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

~~You have the right to appeal the partial denial of the records you have requested to the Auditor General by submitting a written notice of appeal to:~~

~~The Auditor General  
Hes Park Plaza  
740 East Ash  
Springfield, Illinois 62703-3154~~

~~In submitting your notice of appeal, you should include copies of your original request and this partial denial, and state any reason(s) why your appeal should be granted.~~

---

FOIA Officer

---

Date

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

**Section 601.APPENDIX F Deferral of Response to Request for Public Records (Repealed)**

**TO:** \_\_\_\_\_

Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

**FROM:** \_\_\_\_\_

FOIA Officer

\_\_\_\_\_  
Auditor General's Office

\_\_\_\_\_  
Address

**DESCRIPTION OF REQUESTED RECORD(S):**

Your request dated \_\_\_\_\_ for the above captioned records has been delayed. The delay in responding to your request is for the following reason(s) in accordance with FOIA Section 3(d):

You will be notified by \_\_\_\_\_ (Date) as to the action taken on your request.

\_\_\_\_\_  
FOIA Officer

\_\_\_\_\_  
Date

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

**Section 601.APPENDIX G FOIA Appeal/Auditor General's Response (Repealed)**

TO: \_\_\_\_\_  
 Name  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Phone Number

FROM: \_\_\_\_\_  
 FOIA Officer  
 \_\_\_\_\_  
 Auditor General's Office  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_

~~DESCRIPTION OF REQUESTED RECORD(S):~~

~~Noted below is the action I have taken on your appeal from the total or partial denial of your request for the above-captioned records:~~

- ~~I hereby approve your appeal to the following extent and the following reason(s):~~
- ~~I affirm the denial of your request made by the Freedom of Information Officer.~~

~~You are entitled to judicial review of my denial pursuant to Section 11 of the Freedom of Information Act.~~

\_\_\_\_\_  
Auditor General

\_\_\_\_\_  
Date

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Inspector General Complaint Policies and Procedures
- 2) Code Citation: 2 Ill. Adm. Code 605
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
605.10	Amendment
605.30	Amendment
605.40	Amendment
605.50	Amendment
605.60	Amendment
605.70	Amendment
- 4) Statutory Authority: Section 30-5(b) of the State Officials and Employees Ethics Act [5 ILCS 430/30-5(b)]
- 5) A Complete Description of the Subjects and Issues Involved: The rules are being amended to conform to changes made by Public Act 96-555, effective August 18, 2009, to the State Officials and Employees Ethics Act. Significant changes include the acceptance of anonymous complaints, monthly reporting by the Inspector General, and summary report procedures and disclosure.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect create or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposal:

Becky Patton, Legal Counsel  
Office of the Auditor General

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

740 E. Ash St.  
Springfield, IL 62703

217/782-6046  
888/261-2887 (TTY)

All written comments filed within 45 days after the date of publication of this Notice will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: January 2010

The full text of the Proposed Amendments begins on the next page:

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENT ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER V: AUDITOR GENERAL

## PART 605

## INSPECTOR GENERAL COMPLAINT POLICIES AND PROCEDURES

## | Section:

605.5	Definitions
605.10	Jurisdiction
605.15	Complaint Form
605.20	Referral to the Appropriate Entity
605.25	Referral to Law Enforcement Agencies
605.30	Opening an Investigative File
605.40	Investigations
605.50	Summary Report
605.60	Cooperation in Investigations
605.70	Confidentiality

AUTHORITY: Implementing and authorized by Section 30-5 of the State Officials and Employees Ethics Act [5 ILCS 430/30-5].

SOURCE: Emergency rule adopted at 31 Ill. Reg. 13031, effective August 27, 2007, for a maximum of 150 days; adopted at 32 Ill. Reg. 194, effective December 28, 2007; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 605.10 Jurisdiction**

- a) The jurisdiction of the Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of the Act or violations of other related laws or rules involving employees of the Office of the Auditor General.
- b) The Inspector General will decline to investigate the following types of complaints:

| 1) ~~anonymous complaints;~~

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- 12) complaints relating to conduct the most recent act of which occurred more than a year before the complaint is filed, except when there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred;
  - 23) complaints involving vendors of the Office of the Auditor General, unless the complaint also specifically alleges improper conduct by an employee of the Office of the Auditor General relating to that vendor;
  - 34) anything that has been fully adjudicated (administratively or in a court) or is pending before an agency or pending in civil or criminal court; and
  - 45) disagreements of legal interpretations relating to or arising out of the audit and examination process or decisions by the Office of the Auditor General relating to audits or examinations.
- c) The Inspector General may also decline to investigate the following types of complaints:
- 1) complaints in which a person is dissatisfied with the Office of the Auditor General's administrative or personnel policies or procedures, such as the identity of one's supervisor or a work assignment; and
  - 2) complaints that are currently pending before another federal, State or local entity.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 605.30 Opening an Investigative File**

- a) An investigative file shall be opened upon receipt of a complaint form meeting the requirements of this Part. Multiple complaint forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed complaint form, the Inspector General may create an investigation file and assign the file a unique tracking number if, upon information received ~~and not upon his or her own prerogative~~, the Inspector

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

General reasonably believes that misconduct may have occurred within the Inspector General's jurisdiction.

- b) The investigation file shall contain the complaint form or, if none, so much of the information that would normally appear on the complaint form as is known to the Inspector General at the inception of the matter.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 605.40 Investigations**

- a) Investigations shall commence upon the opening of an investigation file.
- b) The Inspector General shall have the discretion to determine whether reasonable cause exists to warrant the opening of an investigative file and to determine the appropriate means of investigation as permitted by law. All investigations will be conducted in a professional and thorough manner. Investigations will be properly documented and will be submitted in written reports of findings. Proper documentation of an investigation shall include, at a minimum, a description of the alleged misconduct or offense; the events and circumstances surrounding the allegation, including the results of interviews, review of documents and records, and other material information revealed during the investigation; and a recommendation concerning the merits of the allegation.
- c) The Inspector General will utilize methods for investigative interviews consistent with current practices and techniques and will observe and comply with all laws and agreements related to the questioning of employees or other individuals.
- d) When the Inspector General concludes that there is insufficient evidence that a violation has occurred, the Inspector General shall close the investigation. At the request of the subject of the investigation, the Inspector General shall provide a written statement to the subject of the investigation of the Inspector General's decision to close the investigation. Closure by the Inspector General does not bar the Inspector General from resuming the investigation if circumstances warrant.

- e) Monthly Reports

- 1) The Inspector General shall monthly submit reports to the Auditor General indicating:

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- A) the number of allegations received since the date of the last report;
- B) the number of investigations initiated since the date of the last report;
- C) the number of investigations concluded since the date of the last report;
- D) the number of investigations pending as of the reporting date;
- E) the number of complaints referred to the Attorney General since the date of the last report; and
- F) the number of allegations referred to any law enforcement agency since the date of the last report.

- 2) The monthly report shall be available on the Auditor General's website at [www.auditor.illinois.gov](http://www.auditor.illinois.gov).

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 605.50 Summary Report**

- a) If the Inspector General, upon conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Inspector General shall issue a summary report of the investigation. The report shall be delivered to the Auditor General, as ultimate jurisdictional authority.
- b) The summary report of the investigation shall include the following:
  - 1) A description of any allegations or other information received by the Inspector General pertinent to the investigation.
  - 2) A description of any alleged misconduct discovered in the course of the investigation.

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- 3) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.
  - 4) Other information the Inspector General deems relevant to the investigation or resulting recommendations.
- c) The Auditor General shall respond to the summary report within 20 days, in writing, to the Inspector General. The response shall include a description of any corrective or disciplinary action to be imposed.
  - d) If the Inspector General determines that any alleged misconduct resulted in the loss of public funds in an amount of \$5,000 or greater, the Inspector General shall refer the allegations regarding that misconduct to the Attorney General and any other appropriate law enforcement authority.
  - e) Within 60 days after receipt of a summary report and response from the Auditor General that resulted in a suspension of at least 3 days or termination of employment, the Inspector General shall make available to the public the report and response or a redacted version of the report and response. The Auditor General may make available to the public any other summary report and response or a redacted version of the report and response.
  - f) Before a summary report is made public, information shall be redacted that may reveal the identity of witnesses, complainants or informants, or that the Inspector General or Auditor General determines is appropriate to protect the identity of a person. The Inspector General or Auditor General may also redact any information either believes, after consultation with appropriate parties, should not be made public.
  - g) Publication of a report or response may be withheld if the Inspector General or Auditor General certifies that releasing the report to the public will interfere with an ongoing investigation.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 605.60 Cooperation in Investigations**

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- a) It is the duty of every employee under the jurisdiction of the Inspector General to cooperate with the Inspector General in any investigation undertaken pursuant to the Act. Failure to cooperate with an investigation of the Inspector General is grounds for disciplinary action, including dismissal. [Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements.](#) Nothing in this provision limits or alters a person's existing rights or protections under State or federal law.
- b) Any employee who is the subject of an investigation who, according to present evidence or allegations, faces potential discipline shall be notified by the Inspector General of whether the interview is criminal or administrative in nature and of the right to the presence of a representative or co-worker uninvolved in the investigation or the representation of a private attorney during any interview. The interview subject shall sign a written acknowledgement of his or her understanding of these rights on a form prescribed by the Inspector General. If, at any point, an interview subject indicates that he or she wants the presence of a person authorized by this subsection (b), the interview shall be suspended and a new date and time set. Evidence obtained directly or indirectly in violation of this subsection (b) shall not be admissible in any proceeding.
- c) Interviews shall not be audiotaped or otherwise recorded without the written consent of the employee. The written consent shall indicate that the interview subject is not required to consent to the audio recording and his or her refusal to consent to the audio recording does not constitute failure to cooperate with the investigation. The written consent and audiotapes shall be preserved, unedited, in the investigation file.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 605.70 Confidentiality**

- a) The identity of any individual providing information or reporting any possible or alleged misconduct to the Inspector General shall be kept confidential and may be disclosed only on an as-needed basis, [including for referrals to other Inspectors General, the Attorney General or appropriate law enforcement agencies](#), or with the consent of the individual or as otherwise required by law. The confidentiality granted by this subsection (a) does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

## AUDITOR GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- b) Except as otherwise provided in Section 605.50 for summary reports, anyAny allegations and related documents submitted to the Inspector General and the Inspector General's files and reports are exempt from the provisions of the Freedom of Information Act [5 ILCS 140] and are confidential, except as necessary for referral to and possible action by:
- 1) law enforcement agencies, prosecutorial authorities, other Inspectors General or other parties as permitted by this Part; and
  - 2) the Auditor General.
- c) If an investigation results in a finding that an employee engaged in misconduct, the results of the investigation and the names of the witnesses may become public in any ensuing administrative or judicial proceeding.
- d) Requests from the ethics officer for guidance on matters involving the interpretation or application of the Act or rules promulgated under the Act are exempt from the provisions of the Freedom of Information Act. Guidance provided to an ethics officer or State employee at the request of an ethics officer on matters involving the interpretation or application of the Act or rules promulgated under the Act is exempt from the provisions of the Freedom of Information Act.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Deposit of Wills
- 2) Code Citation: 53 Ill. Adm. Code 400
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
400.10	New Section
400.20	New Section
400.30	New Section
400.40	New Section
400.50	New Section
400.60	New Section
400.70	New Section
400.80	New Section
400.90	New Section
- 4) Statutory Authority: 15 ILCS 305/5.15
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will establish procedures for the deposit of wills with the Secretary of State in accordance with 15 ILCS 305/5.15.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed rulemaking does not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Michelle Nijm

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

Assistant General Counsel  
100 W. Randolph Street, #5-400  
Chicago, Illinois 60601

312/814-7246  
mnijm@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Rules begins on the next page:

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

TITLE 53: INTERGOVERNMENTAL RELATIONS  
CHAPTER IV: SECRETARY OF STATEPART 400  
DEPOSIT OF WILLS

Section	
400.10	Definitions
400.20	Deposit of Wills
400.30	Certification of Search for Testator
400.40	Receipt
400.50	Fees
400.60	Index of Wills
400.70	Release of Will by the Department
400.80	Inquiries to the Department
400.90	Destruction of Wills

AUTHORITY: Implements Section 5.15 of the Secretary of State Act [15 ILCS 305/5.15].

SOURCE: Adopted at 34 Il. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 400.10 Definitions**

Unless otherwise noted, the following definitions shall apply to this Part:

*"Department" – the Index Department of the Secretary of State.*

*"Depositor" – an attorney licensed or formerly licensed to practice in the State of Illinois, the attorney's representative, the guardian for the attorney or the personal representative of the attorney's decedent's estate.*

*"Diligent Search" – a good faith effort to locate the testator using resources such as telephone directories, Internet name searches, last known addresses or telephone numbers, known relatives, the Social Security Death Master File, legal research databases, and other public and private search capabilities.*

*"Secretary of State" – the Secretary of State of the State of Illinois.*

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

*"Testator" – a person who executed a will, other than as a witness or official to whom acknowledgement of signing was given.*

*"Will" – an original:*

- *will;*
- *codicil;*
- *will and one or more codicils;*
- *trust; or*
- *trust and one or more trust amendments. [15 ILCS 305/5.15]*

**Section 400.20 Deposit of Wills**

- a) Prior to depositing any will with the Department, the depositor shall cause to be conducted a diligent search for the testator, *whether it is known or unknown if the testator is living*. A will may be deposited with the Department only if the *depositor is unable to locate the testator after a diligent search*. [15 ILCS 305/5.15]
- b) The depositor shall complete a certification of search, as set forth in Section 400.30.
- c) The Department may reject any will deposit if a diligent search has not been conducted.
- d) Wills may only be deposited in person at the Department at 111 East Monroe St., Springfield, Illinois 62756. Deposits of five or more wills will be accepted only by appointment.
- e) Upon completion of the receipt, as set forth in Section 400.40, the Department will affix one copy of the receipt to the envelope containing the will and will *seal the envelope securely in the depositor's presence* [15 ILCS 305/5.15].

**Section 400.30 Certification of Search for Testator**

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

- a) For each will deposited with the Department, the depositor must certify, *in writing, that the depositor is unable to locate the testator after a diligent search.* [15 ILCS 305/5.15]
- b) The Department may refuse to accept any will if the depositor does not complete the certification or if the certification does not contain sufficient information detailing the search conducted.
- c) The certification shall be in the form set forth in Appendix A and may be obtained at the Department's Chicago and Springfield offices or at [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com).

**Section 400.40 Receipt**

The Department will issue a receipt to the depositor for each will deposited. The receipt shall contain:

- a) *the date of deposit;*
- b) *the name, address and telephone number of the depositor;*
- c) *the name and last known address of the testator, as provided by the depositor;*
- d) *a short description of each document deposited, including, if shown, the date of execution and the number of pages in the document;*
- e) *alternate names by which the testator may have been known, the testator's date of birth, and the last four digits of the testator's social security number, only if provided by the depositor.* [15 ILCS 305/5.15]

**Section 400.50 Fees**

- a) The depositor shall pay a fee of \$15 for each deposit of a will. No separate fees shall be due for *additional documents concurrently deposited in relation to a single testator or for a single joint will prepared for a husband and wife.* [15 ILCS 305/5.15]
- b) For documents not filed concurrently, the depositor shall pay a separate fee of \$15 per deposit.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

**Section 400.60 Index of Wills**

The Department shall create an index of all wills deposited. The index shall be categorized alphabetically by the name of the testator and by any alternate names by which the testator may have been known, as provided by the depositor.

**Section 400.70 Release of Will by the Department**

- a) During a testator's lifetime, the Department shall release the sealed envelope containing the will to:
  - 1) the testator, upon request.
    - A) The testator may appear in person at the Department's Springfield office to request the will. The testator shall furnish signed, photo identification to the Department and shall acknowledge, in writing, receipt of the sealed envelope containing the will.
    - B) The testator may request his or her will in a written, notarized request. The Department shall send the sealed envelope containing the will via United States mail, return receipt requested, to the address specified by the testator.
  - 2) A person authorized by the testator to receive the will. The authorization of the testator must be in writing and must be notarized.
    - A) The person authorized by the testator may appear in person at the Department's Springfield office. He or she shall furnish signed, photo identification to the Department and shall acknowledge, in writing, receipt of the sealed envelope containing the will.
    - B) The person authorized by the testator may request the will in a written, notarized request and must include the written authorization of the testator. The Department shall send the concealed envelope containing the will via United States mail, return receipt requested, to the authorized person at the address specified by the authorized person.

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## NOTICE OF PROPOSED RULE

- 3) *Any person, entity, court or government agency authorized to receive the envelope pursuant to an order entered by a court of competent jurisdiction.* [15 ILCS 305/5.15] The Department will accept only original, certified court orders.
- b) Upon receipt of a certified copy of the testator's death certificate or certified copy of a court order declaring the testator to be deceased and a \$10 retrieval fee, the Department shall deliver, via United States mail, return receipt requested, the sealed envelope containing the will *to the clerk of the circuit court of the county in which the probate of the testator's will may occur (as determined under Section 5-1 of the Probate Act [755 ILCS 5/5-1]).* [15 ILCS 305/5.15] The notification of the testator's death to the Department shall also contain the court case number of the probate court handling the testator's will.

**Section 400.80 Inquiries to the Department**

- a) Upon inquiry of any of the following persons, the Department shall inform the person whether the name of the relevant testator appears in the index of the wills:
  - 1) a person authorized, in writing, signed by the testator and notarized, to receive the envelope;
  - 2) a person, entity, court or government agency authorized to receive the envelope pursuant to an order entered by a court of competent jurisdiction. The Department will accept only original, certified court orders;
  - 3) any person presenting a certified copy of the testator's death certificate or a certified copy of an order of a court determining the testator to be deceased.
- b) A confirmation by the Department that a name appears in its index of wills shall not guarantee that the testator and the subject of the inquiry are one and the same. Any such confirmation shall only indicate the possibility that the testator is the individual about whom the inquiry was made.

**Section 400.90 Destruction of Wills**

In the absence of notice of a testator's death, the Department may destroy any will remaining on deposit for at least 100 years.

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.1	Amendment
1030 APPENDIX B	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 15 ILCS 335/4C
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will allow the Secretary of State to enact Public Act 96-183, to issue identification cards to homeless individuals at no fee. In addition, in an ongoing effort to combat fraud, this rulemaking will strengthen proof of residency and the documents the office accepts as proof of residency. This rulemaking also recognizes a statute passed in Puerto Rico that invalidates all certified copies of birth certificates issued prior to July 1, 2010.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, [www.sos.il.us/departments/index/home](http://www.sos.il.us/departments/index/home) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Arlene J. Pulley  
Office of the Secretary of State

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## NOTICE OF PROPOSED AMENDMENTS

Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
<a href="#">1030.12</a>	<a href="#">Identification Cards for the Homeless</a>
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person Identification Card

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1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)
1030.96	Seasonal Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License or Instruction Permit
1030.100	Anatomical Gift Donor (Repealed)
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
1030.140	Use of Captured Images
1030.APPENDIX A	Questions Asked of a Driver's License Applicant
1030.APPENDIX B	Acceptable Identification Documents

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991;

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amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864,

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effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1030.1 Definitions**

Unless otherwise noted, the following definitions shall apply to this Part.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

*a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or*

*a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the*

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*minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or*

*a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].*

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

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"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

*"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].*

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

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"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – *a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – *a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –*

*has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or*

*has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or*

*is designed to transport 16 or more passengers, including the driver; or*

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*is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5). [625 ILCS 5/6-500(6)]*

*"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].*

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

*"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].*

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

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"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" – the Department of Driver Services within the Office of the Secretary of State.

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"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1) or who have a disability so severe that it precludes the individual from obtaining an Illinois driver's license.

*"Disqualification" – a disqualification means any of the following three actions:*

*the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;*

*any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*

*a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]*

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

*"Drive" – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].*

*"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].*

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

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"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

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"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional

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opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

*"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].*

*"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].*

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

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*"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]*

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

*"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]*

*"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].*

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

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"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Homeless Person" – has the same meaning established by the federal McKinney-Vento Homeless Assistance Act (42 USC 11302 or 42 USC 11434a(2)).

"Homeless Status Certification" – a form that must be completed and signed by a representative of an agency that can verify the applicant's homeless status. The form must also be signed by the person making application for an identification card at no fee who identifies himself or herself as homeless.

*"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].*

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that

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contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cañalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – ~~the~~The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for

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destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her

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supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

*"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].*

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the

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road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

*"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].*

*"Motorized Pedalcycle" – a motor-driven cycle with speeds attainable in one mile of 30 mph or less, equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50cc. The power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]*

*"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:*

*First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.*

*Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]*

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

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"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is

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maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

*Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];*

*Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;*

*Liability insurance binder [625 ILCS 5/7-602(d)];*

*Certificate of Insurance [625 ILCS 5/7-602(d)];*

*Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;*

*Current rental agreement [625 ILCS 5/7-602(e)];*

*Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];*

*Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).*

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"Prosthesis" – an artificial limb such as arm or leg.

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

*"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].*

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively

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owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

*"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of*

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*persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:*

*Any public or private primary or secondary school;*

*Any primary or secondary school operated by a religious institution; or*

*Any public, private or religious nursery school.*

*This definition shall not include the following:*

*A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:*

*On a regularly scheduled route for the transportation of other fare paying passengers;*

*Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or*

*Being used for shuttle service between attendance centers or other education facilities.*

*A motor vehicle of the first division.*

*A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]*

"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

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"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

*"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].*

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

*"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].*

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the

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organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

*"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].*

*"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].*

*"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.*

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

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"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding

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wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

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"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1030.12 Identification Cards for the Homeless**

- a) An applicant for an identification card who otherwise qualifies for an identification card and who submits a completed homeless status certification, completed no longer than 90 days before the date of application, shall be issued an identification card at no cost.
- b) The homeless status certification may be completed and signed by:
  - 1) a representative of a homeless service agency that receives federal, State, county or municipal funding to provide those services or that is otherwise sanctioned by local continuum of care;
  - 2) an attorney licensed to practice law in the State of Illinois;

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- 3) a public school homeless liaison or school social worker;
  - 4) a human services provider funded by the State of Illinois to serve homeless or runaway youth, individuals with mental illness or individuals with addictions; or
  - 5) a representative of a religious organization that offers services to the homeless.
- c) The homeless status certification must also be signed by the applicant seeking the identification card.
- d) The homeless status certification must be executed in front of a notary public.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 1030.APPENDIX B Acceptable Identification Documents**

- a) Except as provided for in subsections (m) and (n), an~~An~~ applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, and C and two documents from Group D as outlined in subsection (f).
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee~~Division Administrator~~.
- c) Except as provided for in subsections (m) and (n), an~~An~~ applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B, and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A, and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee~~Division Administrator~~.

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- e) Applicants renewing a current Illinois driver's license or identification card need only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).
- f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. All acceptable documents presented for verification or proof must be valid (current and not expired). Photocopies will not be accepted.

## 1) GROUP A (Written Signature)

Canceled Check (w/in 90 days)

Cooperative Driver Training Program (CDTP) Certification Form

Court Order

Credit Card – Major Brand

Driver Education Certificate

Government Driver's License

Government Identification Card

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS)  
forms:

I-551 (Alien Registration Card)

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~~I-688 (Temporary Resident Card)~~

~~I-688A (Employment Authorization Card)~~

~~I-688B (Employment Authorization Card)~~

I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – ~~U.S.~~ ~~US~~

Military Identification Card – ~~U.S.~~ ~~US~~

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Official Grade/High School Transcript

Illinois Driver's License – current

Illinois Identification Card – current

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U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

~~I-688 (Temporary Resident Card)~~

~~I-688A (Employment Authorization Card)~~

~~I-688B (Employment Authorization Card)~~

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

[U.S. Visa](#)

Military Driver's License – [U.S.US](#)

Military Identification Card – [U.S.US](#)

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

[U.S. Passport Card – Valid with Complete Date of Birth](#)

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

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Illinois Identification Card Record

Military Driver's License – ~~U.S.~~US

Military Identification Card – ~~U.S.~~US

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency/~~Personal Data~~)

~~Examples of residency may be, but are not limited to, the following:~~

Affidavit – Certificate of Residency

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City of Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

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Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

Voter Registration Card

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Vehicle Registration Card

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

~~Utility Bill~~

~~Vehicle Registration Card~~

~~Voter Registration Card~~

~~Lease Agreement~~

- g) ~~Documents~~Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address, and other forms of identification not listed as unacceptable may also be used for Group D, as outlined in subsection (f) to verify personal data.
- h) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.
- i) Group B documents, as outlined in subsection (f), must contain the applicant's full

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name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied ~~by~~with any other item listed in Group B.

- j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.
- k) Group D documents, as outlined in subsection (f), must contain the applicant's full residence address.
- l) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.
- m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).
- n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).
- ok) Unacceptable identification documents are:
  - Bond Receipt or Bond Card
  - Business Cards
  - Check Cashing Cards
  - Club or Fraternal Membership Cards
  - College or University Identification Cards

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Commercially Produced (non-State or unofficial) ID Cards

~~Firearms Owner ID~~

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

~~Verification by family members other than father, mother or legal guardian~~

~~Verification by non-family members other than high school driver education instructor or Secretary of State personnel~~

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
240.120	Amendment
240.160	Amendment
240.235	New
240.1399	Amendment
240.1505	Amendment
240.1541	New
240.1542	New
240.1650	Amendment
240.1955	New
- 4) Statutory Authority: 20 ILCS 105/4.02 (as amended by Public Act 95-565, effective June 1, 2008) and 4.01(11)
- 5) Effective Date of Amendments: March 8, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 5948; April 24, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 240.160, replaced the definition of "contract" with the definition of "provider agreement" in the list of defined terms.

In Section 240.1650(d), struck "contract, proposal and rule" in the introductory clause describing methods for reporting provider violations.

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The other changes made to this rulemaking were nonsubstantive, grammatical, and editorial at the recommendation of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking adds emergency home response service (EHRS) as a core service under the Community Care Program (CCP).
- 16) Information and questions regarding these adopted amendments shall be directed to:

Karen Alice Kloppe  
Deputy General Counsel  
Illinois Department on Aging  
421 E. Capitol Avenue, #100  
Springfield, Illinois 62701-1789

217/785-3346

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	In-home Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
<a href="#"><u>240.235</u></a>	<a href="#"><u>Emergency Home Response Service</u></a>
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation

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- 240.360 Reporting Changes
- 240.370 Voluntary Repayment

SUBPART D: APPEALS

- Section
- 240.400 Appeals and Fair Hearings
- 240.405 Representation
- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
- 240.435 Withdrawing an Appeal
- 240.436 Cancelling an Appeal
- 240.440 Examining Department Records
- 240.445 Hearing Officer
- 240.450 The Hearing
- 240.451 Conduct of Hearing
- 240.455 Continuance of the Hearing
- 240.460 Postponement
- 240.465 Dismissal Due to Non-Appearance
- 240.470 Rescheduling the Appeal Hearing
- 240.475 Recommendations of Hearing Officer
- 240.480 The Appeal Decision
- 240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

- Section
- 240.510 Application for Community Care Program
- 240.520 Who May Make Application
- 240.530 Date of Application
- 240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

- Section
- 240.600 Eligibility Requirements

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240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income

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240.855	Applicant/Client Expense for Care
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care
240.875	Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

Section	
240.1010	Nursing Facility Screening
240.1020	Interim Services
240.1040	Intense Service Provision
240.1050	Temporary Service Increase

## SUBPART K: TRANSFERS

Section	
240.1110	Individual Transfer Request – Vendor to Vendor – No Change in Service
240.1120	Individual Transfer Request – Vendor to Vendor – With Change in Service
240.1130	Individual Transfers – Case Coordination Unit to Case Coordination Unit
240.1140	Transfer of Pending Applications
240.1150	Interagency Transfers
240.1160	Temporary Transfers – Case Coordination Unit to Case Coordination Unit

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- 240.1170 Caseload Transfer – Vendor to Vendor  
240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

- Section  
240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

- Section  
240.1310 Standard Contractual Requirements for Case Coordination Units and Providers  
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
240.1330 General Vendor and CCU Responsibilities (Repealed)  
240.1396 Payment for Services (Repealed)  
240.1397 Purchases and Contracts (Repealed)  
240.1398 Safeguarding Case Information (Repealed)  
240.1399 ~~Suspension~~/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

- Section  
240.1400 Community Care Program Case Management  
240.1410 Case Coordination Unit Administrative Minimum Standards  
240.1420 Case Coordination Unit Responsibilities  
240.1430 Case Management Staff Positions, Qualifications and Responsibilities  
240.1440 Training Requirements For Case Management Supervisors and Case Managers

## SUBPART O: PROVIDERS

- Section  
240.1505 Administrative Requirements for Certification  
240.1510 Provider Administrative Minimum Standards  
240.1520 Provider Responsibilities  
240.1525 Standard Requirements for In-home Service Providers  
240.1530 General In-home Service Staffing Requirements  
240.1535 In-home Service Staff Positions, Qualifications, Training and Responsibilities  
240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)  
240.1541 Minimum Equipment Specifications for Emergency Home Response Service

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<a href="#"><u>240.1542</u></a>	<a href="#"><u>Administrative Requirements for Emergency Home Response Service Providers</u></a>
240.1545	Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
240.1550	Standard Requirements for Adult Day Service Providers
240.1555	General Adult Day Service Staffing Requirements
240.1560	Adult Day Service Staff
240.1565	Adult Day Service Satellite Sites
240.1570	Service Availability Expansion
240.1575	Adult Day Care Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services

## SUBPART P: PROVIDER PROCUREMENT

## Section

240.1600	Provider Agency Certification
240.1605	Emergency Certification
240.1607	Standard CCP Provider Agreement
240.1610	Procurement Cycle for Provider Services (Repealed)
250.1615	Provider Initiated Service Area Modifications
240.1620	Issuance of Provider Proposal and Guidelines (Repealed)
240.1625	Content of Provider Proposal and Guidelines (Repealed)
240.1630	Criteria for Number of Provider Contracts Awarded (Repealed)
240.1635	Evaluation of Provider Proposals (Repealed)
240.1640	Determination and Notification of Provider Awards (Repealed)
240.1645	Objection to Certification Decision
240.1650	Classification, Identification and Receipt of Provider Service Violations
240.1655	Method of Identification of Provider Service Violations (Repealed)
240.1660	Provider Performance Reviews
240.1661	Provider and Case Coordination Unit Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

## Section

240.1710	Procurement Cycle For Case Management Services
240.1720	Case Coordination Unit Performance Review

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## SUBPART R: ADVISORY COMMITTEE

## Section

- 240.1800 Community Care Program Advisory Committee  
240.1850 Technical Rate Review Advisory Committee (Repealed)

## SUBPART S: PROVIDER RATES

## Section

- 240.1910 Establishment of Fixed Unit Rates  
240.1920 Contract Specific Variations  
240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service  
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation  
240.1950 Adult Day Care Fixed Unit Reimbursement Rates  
240.1955 Fixed Unit Rates of Reimbursement for Emergency Home Response Service  
240.1960 Case Management Fixed Unit Reimbursement Rates  
240.1970 Enhanced Rate for Health Insurance Costs

## SUBPART T: FINANCIAL REPORTING

## Section

- 240.2020 Financial Reporting of Homemaker Service  
240.2030 Unallowable Costs for Homemaker Service  
240.2040 Minimum Direct Service Worker Costs for Homemaker Service  
240.2050 Cost Categories for Homemaker Service

**AUTHORITY:** Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended

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at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006;

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amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008; amended at 33 Ill. Reg. 4830, effective March 23, 2009; amended at 34 Ill. Reg. 3448, effective March 8, 2010.

## SUBPART A: GENERAL PROGRAM PROVISIONS

**Section 240.120 Services Provided**

- a) The Community Care Program (CCP) provides necessary services designed to prevent premature and unnecessary institutionalization of individuals determined eligible to receive ~~those~~~~such~~ services.
- b) Services provided through the CCP are: homemaker, adult day care, emergency home response, information and referral, case management, individual provider (closed caseload), alternative provider and services made available through special demonstration/research projects.

(Source: Amended at 34 Ill. Reg. 3448, effective March 8, 2010)

**Section 240.160 Definitions**

"Adequate plan of care" means a plan of care ~~that~~~~which~~ provides the minimum services needed to protect the health, safety and welfare of a client.

"Adjusted rate" means a rate other than the established fixed rate of reimbursement.

"Administrative corrections" means allowable revisions to a proposal permitted and/or performed by the Department in cases of apparent clerical mistakes and in cases where the applicant/Department has reason to believe a mistake may have been made and verification from the applicant has been provided. ~~These~~~~Such~~ actions shall be taken prior to award.

"Administrative costs" means those allowable costs related to the management and organizational maintenance of the provider.

"Adverse action" means the denial of CCP service; a reduction in dollars in the

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monthly cost of care according to the CCP Client Agreement – Plan of Care; a change in service type ~~that~~~~which~~ could increase the client's incurred monthly expense for care; or the termination from CCP service.

"Allegations" means unsubstantiated accusations or statements.

"Allowable costs" means those cost categories, as delineated in Section 240.2050, which will be considered in setting a fixed rate.

"Allowable maximums" means the highest authorized allocation available for services per month based upon Determination of Need scores.

"Appellant" means the applicant/client/authorized representative initiating an appeal as a result of Department action or inaction.

"Assistance with task" means giving aid or support in the performance of a task.

"Assistive device" means crutches, walker, wheel chair, hearing aid, etc.

"Authorized representative" means an agent designated, verbally or in writing, by the applicant/client to be his/her representative, or the applicant's/client's guardian. In the event that an applicant/client is unable to physically write his/her signature, the CCU may sign for the applicant/client at the applicant's/client's verbal request.

"Authorized representative of the provider" means an owner, officer, or employee of the provider agency who has the authority to commit the agency to a financial and/or contractual responsibility.

"Authorized provider" means a provider who holds a valid contract with the Department to provide Community Care Program (CCP) services.

"Available resources" means assistance provided to an applicant/client by family/~~friends~~~~friend(s)~~, church, community, etc.

"Best interest", as used in Section 240.1630, means the determined needs of the client population are being met.

"Burial merchandise" means gravesites, crypts, mausoleums, urns, caskets, vaults,

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gravemarkers or other repositories for the remains of deceased persons, shrouds, etc.

"Calendar year" means from January 1 through December 31.

"Capable person" means a person who is qualified to perform the functions required.

"CCU in good standing" (See: Contractor in good standing)

"Close-out review" means a review performed at the close of the period of time allowed for correction of findings of non-compliance to determine if those corrections have been made and that the newly drawn review sample of client/provider files reflects on-going compliance.

"Closed caseload" means a caseload restricted to those clients already receiving service and refers only to individual providers; no new clients shall be accepted and current clients who discontinue service for any reason will not be reinstated into this caseload.

"Community-based services" means services provided in a congregate setting in a client's community (i.e., adult day care).

"Comparable human service program" means a program that offers services that are similar to CCP services (e.g., home health aide, maid service).

"Compliance" means adherence to the CCP rules, policy and procedures and the contract with the Department, and all applicable federal, state and local laws/rules/ordinances.

"Components" means specified parts of the service as defined in the applicable Section.

"Confused and disoriented" means unable to clearly and accurately differentiate as to time, person and/or place.

"Continuous eligibility" means that the client has met eligibility requirements each time a subsequent redetermination was administered.

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~~"Contract" means purchase of service agreement.~~

"Contractor in good standing" means a CCP contractor who is currently in compliance or within the permitted timeframe allotted for remedy to come into compliance with the Department's rules and contract.

"Control date" means a starting point for purposes of calculating a time frame; the count begins the next work or calendar day.

"Cost report" means a report of all categorized allowable costs to a provider ~~that~~<sup>which</sup> are directly associated with services purchased by the Department for its clients in categories as defined in Section 240.2050. The provider shall use the Direct Service Worker Cost Certification and the Detailed Cost Certification forms.

"Daily ~~census~~<sup>Census</sup> maximum" means the total square footage of adult day care client-allotted space divided by 40 sq. ft. equals the daily maximum number of clients that may be served in the adult day care facility.

"Department" means the Illinois Department on Aging.

"Director" means the Director of the Illinois Department on Aging.

"Discontinuance" means the cessation of Community Care Program services provided to a client for non-payment of incurred expense for care.

"Documentation" means tangible documents or supporting references or records used to record client contact, determine eligibility or substantiate adherence to rules.

"Documenting" means making written entries on the Case Record Recording Sheet regarding contact with an applicant/client; and/or the viewing or receiving of a document to be placed in applicant/client/worker files to substantiate adherence to rules.

"Emergency" means a sudden unexpected occurrence demanding immediate action (e.g., client illness, illness/death of a member of the client's family, etc.).

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"Emergency home response service" or "EHRS" means a 24-hour emergency communication link to assistance outside the client's home based on the client's health and safety needs and mobility limitations. This service is provided by a 2-way voice communication system consisting of a base unit and an activation device worn by the client that will automatically link the client to a professionally staffed support center. The support center assesses the situation and directs an appropriate response whenever this system is engaged by a client.

"Errands" means performance of services outside the home such as essential shopping, picking up medications, and essential business needs as indicated in the plan of care.

"Escort" means accompanying those clients who are dependent on personal physical assistance to enable them to reach and use community resources in order to ensure their access to local services and to allow them to maintain independent living as required by the plan of care.

"Essential" means basic, indispensable or necessary.

"Exit conference" means the meeting at the Illinois Department on Aging between representatives of the Department and the director, or his/her designee, and of the reviewed agency to resolve the agency's objection to the findings of the Compliance Review Report. ~~These~~ Such conferences shall be called when the findings indicate evidence of serious client-related concerns (e.g., Type I findings).

"Face-to-face" means direct communication while physically in the presence of another person or persons.

"Face-to-face review" means an informal review (see Section 240.425) conducted in the appeal process by the Department in the home of an appellant with the applicant/client (and appellant, if appellant is other than the applicant/client) present. (A hearing is conducted by a Hearing Officer – see Section 240.450.)

"FUTA" means the Federal Unemployment Tax Act.

"Fiscally sound agency" means a CCU or provider ~~that~~which has on file at the Department documentation ~~that~~which supports that the CCU or provider has adequate financial resources to perform the terms of the contract (e.g., a line of

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credit from a financial institution).

"Fraudulent information" means purposely erroneous or untruthful information.

"Geographic area" means a physical area (e.g., county) of the State within which a contractor is authorized to provide services to Community Care Program clients.

"Historical costs" means the total allowable costs incurred for all programs the provider provided for the previous reporting year, which are presented via certified report by the provider.

"Home maintenance and repairs" means those non-routine tasks, excluding any work requiring a ladder or requiring specialized skills on the part of the worker, necessary to maintain a safe and healthful environment for the client as required by the plan of care (e.g., defrosting the refrigerator; cleaning the oven; dusting walls and woodwork; cleaning closets, cupboards and insides of windows; changing filters on and cleaning humidifiers; clearing hazards from outside steps and sidewalks if transportation and/or escort is required by the plan of care; replacing light bulbs).

"Imminent" means likely to occur (e.g., injury or institutionalization).

"Incomplete proposal" means the written offer to the Request for Proposal (e.g., attachments, appendices) ~~that~~~~which~~ fails to include all requirements as stated in the Request for Proposal.

"Incurred monthly expense" means the client's share of the cost of care for CCP services provided during a previous monthly period.

"Informal review" means the act of determining the facts relating to an appeal in an informal manner by the Department (see Section 240.425).

"Informality" means an irregularity ~~that~~~~which~~ is a matter of form or variation from the exact requirement of the Request for Proposal, the correction or waiver of which would not be prejudicial to other applicants (e.g., failure to return number of copies of signed proposals as required by the Request for Proposal).

"In-home services" means services provided in the client's residence with the client present or on behalf of the client (e.g., homemaker service).

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"Intermediate Care Facility" or "(ICF)" means a facility ~~that~~which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. ~~ICFs~~Such facilities are for residents who have long term illnesses or disabilities ~~that~~which may have reached a relatively stable plateau ~~(89 Ill. Adm. Code 101.20)~~.

"Licensed Practical Nurse" or "(LPN)" means a nurse who has graduated from a formally approved program of practical nursing education and has been licensed by the appropriate state authority.

"Mandated time period" means the time frame required by pertinent rule.

"M.D." means medical doctor who is registered in the State of Illinois.

"Memorandum of Understanding" means a written document, executed by the applicant/client/authorized representative, CCU representative and provider representative in which all parties agree to cooperate and in which activities are specified ~~that~~which must be fulfilled by each party ~~thereto~~.

"Observing client's functioning" means watching for any change in the client's needs ~~that~~which could indicate that a redetermination of eligibility and/or a revision in the Client Agreement – Plan of Care is necessary (e.g., client is experiencing increasing difficulty in walking; client is becoming increasingly confused and disoriented; client's daughter is no longer available to prepare meals for the client; etc.).

"Occupancy costs" means the costs of depreciation, amortization of leasehold improvements, rent, property taxes, interest and other related costs.

"On-Notice" means the Department sanction imposed on a provider or CCU requiring that provider or CCU to bring specified ~~services~~service(s) or requirements into compliance.

"Parent organization" means an entity to which the contractual party is a subsidiary.

"Performance of task" means to carry out an action, function or process.

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"Period of stay" means period of time during which implementation of a contract action is temporarily delayed.

"Planning and Service Area" or "~~(PSA)~~" means a designated geographic area.

"Post-screening" means screening performed after a client has entered a nursing home due to an emergency situation or oversight without prescreening.

"Potentially" means having the capability of occurring, but not yet in existence (e.g., deterioration in the client's condition).

"Program support costs" means those allowable costs not included as direct service or administrative costs.

"Proposal" means the written offer made by an applicant in response to Department Request for Proposal.

"Provider Agreement" means purchase of service agreement.

"Provider community experience" means documentation of having provided ~~service~~ service(s) within the community in which the provider has applied to provide CCP services.

"Provider in good standing" (See: Contractor in good standing)-

"Providers" means those service providers with whom the Department does business through contracts on a reimbursement basis for units of service delivery to specified clients.

"Reasonable" means using and showing reason or sound judgement, sensible, not excessive.

"Reasonable and diligent effort" means perseverance on the part of the applicant/client in his/her attempt to dispose of the asset (e.g., as evidenced by copies of the advertisement for the sale of the asset).

"Registered Nurse" or "~~(RN)~~" means a nurse who has graduated from a formal program of nursing education and has been licensed by the appropriate state authority.

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"Reinstatement" means the resumption of services, within an established time frame, at the same level provided prior to a suspension/discontinuance of the services.

"Related parties" means any other entities having a legal or contractual relationship with the contractual party.

"Request for Proposal" ~~or~~ "(RFP)" means a form of invitation to bid ~~that~~~~which~~ the Department uses to obtain homemaker, adult day care services and demonstration/research projects under the Community Care Program (CCP). The RFP explains the purpose of the invitation to bid, outlines the scope of the work and solicits proposals from provider agencies for the funding of services undertaken by the Department.

"Responsible person" means a capable person who does not appear to be disoriented or confused and is presumed to be acting in the best interest of another individual.

"Rotation plan" means a Department approved plan for the equitable distribution of clients to providers (used only if client does not indicate a choice of providers).

"Routine procedures" means procedures performed in a hospital ~~that~~~~which~~ result in no perceptible change in the client's physical/mental health needs (e.g., tests, blood work-ups, x-rays, dialysis, etc.).

"Service area" means any area in which a provider has been awarded a contract to provide CCP services.

"Skilled Nursing Facility" ~~or~~ "(SNF)" means a group care facility licensed by the Illinois Department of Public Health ~~that~~~~which~~ provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. ~~SNFs~~~~Such~~ ~~facilities~~ are provided for patients who need the type of care and treatment required during the post acute phase of illness or during reoccurrences of symptoms in long-term illness (89 Ill. Adm. Code 101.20).

"Special diet" means a dietary restriction based upon the health and safety needs of the client and prescribed by a physician (e.g., sodium free, fat, protein, diabetic,

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etc.); whereas a modified diet relates to a diet containing easy to chew foods. A modified diet may be part of a specialized diet.

"State fiscal year" means from July 1 through June 30.

"Suspension" means the temporary cessation of the provision of Community Care Program services provided to a client.

"Suspension of referrals" means closed intake of new clients to a specific contractor.

"Termination" means the permanent cessation of the provision of Community Care Program services and eligibility of services.

"Threat" means the existence of circumstances that indicate the intent of an individual or group to destroy the property of or to injure or punish another individual or group. ~~TheseSuch~~ circumstances might be the display of a weapon at an adult day care center.

"Too highly impaired applicant/client" means an applicant/client who needs 24 hour a day care, for whom CCP cannot develop a plan of care to protect his/her physical, mental and environmental needs and who does not have sufficient outside support from family, friends, church et. al., to provide for those needs (as determined by Part B – Unmet Need for Care – of the Community Care Program – Determination of Need). (Refer to Section 240.715.)

"Unallowable costs" means those costs ~~thatwhich~~ will not be considered in determining the fixed rate or in meeting the required minimum direct service expenditure.

"Unit of service" means a measured length of service, such as an hour, a day, a visit, a one-way trip, or some other measurable service component that will enable the Department to determine the amount of service provided individually or in aggregate to or on behalf of a client.

"Validation of provider community experience" means the documentation of letters from community agencies attesting to experience with the provider within the community.

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"Validity of client billing" means the accuracy of the billing and documentation thereof.

"Work days" means Monday through Friday at a minimum, excluding provider designated holidays.

(Source: Amended at 34 Ill. Reg. 3448, effective March 8, 2010)

## SUBPART B: SERVICE DEFINITIONS

**Section 240.235 Emergency Home Response Service**

- a) Service Definition  
Emergency home response service (EHRS) is defined as a 24-hour emergency communication link to assistance outside the client's home based on the client's health and safety needs and mobility limitations. This service is provided by a 2-way voice communication system consisting of a base unit and an activation device worn by the client that will automatically link the client to a professionally staffed support center. The support center assesses the situation and directs an appropriate response whenever this system is engaged by a client. The purpose of providing EHRS is to improve the independence and safety of clients in their own homes in accordance with the authorized plan of care, and thereby help reduce the need for nursing home care.
- b) Specific components of EHRS shall include the following:
- 1) provide a base unit and, when necessary, adaptive activation devices, together with all connectors, parts and equipment necessary for installation, that can be used in a home by up to 2 clients with hearing, mobility and/or visual impairments.
    - A) Wireless adaptive activation devices (e.g., sip and puff, rocking lever switch, etc.) must be available when a client cannot physically activate the call button.
    - B) The system must be useable by visually and hearing impaired clients through visual and audible indications of alarm activation.
    - C) Adaptive activation devices shall be provided at no extra cost to

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the client;

- 2) deliver the activation device to the client and install the base unit, including connection of a seizure line jack, into a functioning telephone system in the client's home within 15 calendar days from the date of referral. This service shall not be subcontracted and shall be completed by trained employees identified by picture ID with an ID number that can be verified by the client;
- 3) train the client and his or her designated emergency responders on the proper use of the base unit and activation device at the time of installation. The training must include:
  - A) demonstration of use and maintenance of EHRS equipment;
  - B) explanation of the EHRS provider's services and response protocol;
  - C) information on the general care of the base unit and activation device;
  - D) instruction about the monthly testing of the base unit and how to transmit the test results to the support center; and
  - E) providing the client with easy to understand written instructions in the use of EHRS devices, including how to report a malfunction of the equipment. These instructions shall also be available in Braille or tape recorded to meet the client's needs;
- 4) assist the client in selecting and designating up to 3 local emergency responders, which must be updated by the EHRS provider at least every 6 months. Each responder shall receive both verbal and written instructions from the provider;
- 5) obtain client's/representative's signature to document that the EHRS unit was delivered and installed and that instructions and demonstration were given and understood. A copy of this receipt must be sent to the Case Coordination Unit;

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- 6) own and operate a support center to provide live monitoring on a continuous basis, direct an appropriate response whenever the EHRS system is activated, and provide necessary technical support for fault conditions, including a language line that provides interpreter service for at least 140 languages and communication facilitated by a teletypewriter (TTY) communication device for the deaf, as appropriate;
  - 7) own and operate a back-up support center that provides all components specified in subsection (b)(6) and operates on a separate power grid;
  - 8) maintain adequate local staffing levels of qualified personnel to service necessary administrative activities, installation, in-home training, signal monitoring, technical support and repair requests in a timely manner. A provider agency must have a written training program for personnel and be able to demonstrate staff qualifications;
  - 9) in the event of a malfunction, repair or replace the base unit or activation device within 24 hours after receiving the malfunction report;
  - 10) alert the client when electric power to the base unit has been interrupted (e.g., unplugged) and the unit is operating on a standby power source;
  - 11) notify the Case Coordination Unit within one business day after activation of the base unit and work with the appropriate case manager to resolve service complaints from the client or emergency responder;
  - 12) notify the Case Coordination Unit immediately if EHRS services cannot be initiated or must be terminated; and
  - 13) maintain records in accordance with Section 240.1542 relating to client referral and service statistics, including equipment delivery; device activation; client and responder training; signal monitoring and test transmission activity; equipment malfunction, repair and replacement; power interruption alerts; and notification of the Case Coordination Units, plus billing and payment information, and personnel matters.
- c) Units of Service
- 1) One unit of installation service is the one-time fee to the provider agency

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for the activity associated with the installation of the base unit in the client's home.

- 2) One unit of monthly service is the fixed unit rate of reimbursement, per month, for the provider agency activity associated with providing EHRS to each client.

(Source: Added at 34 Ill. Reg. 3448, effective March 8, 2010)

## SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

**Section 240.1399 ~~Suspension~~/Termination of a Vendor or Case Coordination Unit (CCU)**

In the event conditions warrant ~~suspension or~~ termination of an Agreement or a Contract, ~~in whole or in part, such suspension or~~ termination shall be in accord with provisions in the Agreement or Contract.

(Source: Amended at 34 Ill. Reg. 3448, effective March 8, 2010)

## SUBPART O: PROVIDERS

**Section 240.1505 Administrative Requirements for Certification**

- a) In order to qualify for certification as a provider of CCP services, a provider agency must, to the satisfaction of the Department, meet the following administrative requirements:
- 1) Serve an entire CCP geographic area.
    - A) Other than in Cook County, the geographic area will be the county.
    - B) In Cook County outside the City of Chicago, the geographic area will be the township.
    - C) Within the City of Chicago, the geographic area will be the following subareas, defined by Zip Code:
      - i) 60645, 60626, 60659, 60660, 60640

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- ii) 60625, 60631, 60630, 60646, 60656
  - iii) 60666, 60634, 60641, 60707, 60639, 60635
  - iv) 60613, 60614, 60618, 60647, 60657
  - v) 60601, 60602, 60603, 60604, 60605, 60661, 60606, 60607, 60610, 60611, 60622
  - vi) 60637, 60616, 60615, 60649, 60653
  - vii) 60629, 60632, 60623, 60609, 60638
  - viii) 60628, 60617, 60619, 60633, 60627, 60827
  - ix) 60620, 60652, 60636, 60643, 60621, 60655
  - x) 60608, 60612, 60624, 60644, 60651.
- 2) The Department reserves the right to adjust this geographic area requirement to assure that:
- A) no geographic area remains unserved.
  - B) the following entities are not excluded from participation as service providers in the CCP:
    - i) entities serving limited- or non-English-speaking clients;
    - ii) providers that are, or are controlled by, a unit of local government and cannot operate outside the jurisdiction of that local government; and
    - iii) regional benevolent, charitable, social or religious organizations that have as their charter providing services to a specific population or geographic area smaller than a county, township or CCP subarea.

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- C) transportation to/from adult day service facilities can be completed in a reasonable period of time.
- 3) Submit a request for certification providing the information described in this Section and Sections 240.1600 and 240.1605, in the form and manner prescribed by the Department, including all required supporting compliance material or other information documenting its administrative and operational ability, and institute all necessary action based on the outcome of the Department's review.
- 4) Document the legal structure under which it is organized to do business as set forth in Section 240.1607(h).
- 5) Provide a list of the directors, officers or owners, as applicable to the legal structure of the provider agency.
- 6) Verify experience in providing service comparable to the CCP, as defined in Sections 240.210, ~~and 240.230,~~ and 240.235, for which certification is requested, and that is consistent with the requirements set forth in this Part.
- A) Required Experience
- i) For prospective emergency home response service provider agencies: A minimum of 5 years experience in business operations providing emergency home response service.
- ii) For prospective adult day service provider agencies: A minimum of 2 years experience in business operations providing adult day service.
- iii) For prospective in-home service providers: A minimum of 3 years experience in business operations providing in-home service, one of which must be in Illinois.
- B) The Department reserves the right to:
- i) adjust the experience requirements specified in subsection (a)(5)(A) if the provider agency submits proof of current

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accreditation or certification by an appropriate national organization for the service for which Department certification is being requested.

- For in-home services, the following national accreditation organizations are acceptable:

Accreditation Commission for Health Care (2005, no later amendments or editions included), 4700 Falls of Neuse Rd., Suite 280, Raleigh NC 27609;

Community Health Accreditation Program (2004, no later amendments or editions included), 1300 19<sup>th</sup> St., Suite 150, Washington DC 20036;

The Joint Commission (2009, no later amendments or editions included), One Renaissance Blvd., Oakbrook Terrace IL 60181.

- For adult day services, accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) (2009, no later amendments or editions included), CARF-CCAC, 1730 Rhode Island Ave. NW, Suite 209, Washington DC 20036 is acceptable.
- Consideration of other accreditation organizations may be requested in writing with supporting documentation regarding the particular competency requirements for another designation. If approved by the Department, additional accreditation organizations will be added to this subsection (a)(6)(B)(i).

- ii) adjust the experience requirement (e.g., substituting management team experience for agency experience) when it is in the best interests of the CCP. The Department will continue to assure that any adjustment of the experience requirement will occur only when the health, safety and

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welfare of CCP clients and the quality of services provided will not be adversely affected.

- 7) Disclosure of information regarding past business practices of the provider agency and its affiliates, including the managers, directors or owners, relevant to the service applied for, involving, but not limited to, the following circumstances:
  - A) denial, suspension, revocation or termination for cause of a license or Provider Agreement, or any other enforcement action, such as civil court or criminal action;
  - B) termination of a Provider Agreement or surrender of a license before expiration or allowing a contract or a license to expire in lieu of enforcement action;
  - C) any federal or state Medicaid or Medicare sanctions or penalties relating to the operation of the agency, including, but not limited to, Medicaid abuse or fraud;
  - D) any federal or state civil or criminal felony convictions;
  - E) operation of an agency that has been decertified in any state under Medicare or Medicaid; or
  - F) citations for client abuse, neglect, injury, financial exploitation or inadequate care in any state.
- 8) Document its written policies and procedures in compliance with the applicable administrative standards imposed on provider agencies under the CCP, as set forth in Section 240.1510.
- 9) Document its ability to comply with all applicable responsibilities imposed on provider agencies under the CCP, as set forth in Section 240.1520, including proof of required insurance coverages.
- 10) Submit audited financial reports from the last complete business fiscal year.

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- 11) Submit proof that it is fiscally sound, as that term is defined in Section 240.160, by verifying assets (e.g., audited financial statements with accompanying notes, bank statements, investment statements, and letters of credit from financial institutions) sufficient to cover 90 days of CCP operating expenses, as defined by the agency business plan.
- 12) Provide assurance that its business operations comply with the service, staffing and training requirements imposed on provider agencies under this Part.
- 13) Provide a minimum of ~~5~~five references or letters of recommendation from such entities as persons who have been served by the provider, nonprofit or business organizations or governmental bodies that have observed the operations and/or services of the provider, employees of the provider, an Area Agency on Aging, etc., attesting to the provider agency's qualifications relevant to providing CCP services. The references shall be from a diverse group of knowledgeable entities.
- 14) Comply with all applicable federal, State and local laws, regulations, rules, service standards and policies or procedures pertaining to the provider agency in its business operations and to the services provided under the CCP.
  - b) If a provider agency is not able or is unwilling to meet the administrative requirements in subsection (a), the Department shall deny its request for certification.
  - c) The Department reserves the right to accept documentation of Illinois Department of Public Health (DPH) home service licensure for applicable administrative requirements. (See 77 Ill. Adm. Code 245.Subpart B.)

(Source: Amended at 34 Ill. Reg. 3448, effective March 8, 2010)

**Section 240.1541 Minimum Equipment Specifications for Emergency Home Response Service**

- a) All EHRS equipment must be tested, approved and listed to meet Underwriters Laboratories safety standards for home health care signaling equipment, UL 1637 (available from Underwriters Laboratories, 2600 N.W. Lake Rd., Camas WA

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98607-8542, 877/854-3577; October 26, 1998, no later amendments or editions included), and digital alarm communicator systems units, UL 1635 (January 31, 1996, no later amendments or editions included), if applicable.

- b) All home units must be capable of signaling from both the activation device remote and the base unit.
- c) Activation Device Specifications
- 1) The activation device must be a portable and waterproof type of wireless remote configured with:
- A) a crystal or Surface Acoustic Wave (SAW) resonator controlled transmitter frequency for long-term reliability;
- B) digital encoding capability for at least 10 combinations sufficient for high density situations;
- C) a minimum transmission range of 300 feet;
- D) an internal battery capable of operating as a power source for a minimum 5 years;
- E) a low battery charge signal; and
- F) components certified as appropriate by the Federal Communications Commission under 47 CFR 15 (2008).
- 2) The activation device must be capable of conducting automatic battery testing and transmitting the results through the base unit to the support center on a regular basis.
- 3) An adaptive version of the activation device must be available that can be used by hearing, mobility and visually-impaired clients.
- d) Base Unit Specifications
- 1) The base unit must have:

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- A) an integrated unit that connects to either a rotary dial or touchtone telephone via a modular jack that does not interfere with the normal use of the telephone;
  - B) an Underwriters Laboratory (UL) approved plug as the connector to a standard residential electrical outlet for its power supply;
  - C) an appropriate connection for a seizure line jack so the support center can be signaled even in the event the telephone receiver is off its hook;
  - D) an easily identifiable "ready" light to verify whether the batteries on the activation device and base unit are charged;
  - E) an easily identifiable "confirmation" light that indicates when the support center has received a signal;
  - F) a battery that automatically charges whenever the base unit is powered and that maintains a charge for at least 12 hours when the electric power to the base unit is interrupted;
  - G) transmission capability to signal the support center if the base unit battery fails or has a low charge, or electric power to the base unit is interrupted;
  - H) a configuration that allows signaling service through one base unit for up to 2 clients in a home;
  - I) microphone and speaker to enable 2-way voice communication between the client's home and the support center. The support center must be able to control both the microphone sensitivity and speaker volume; and
  - J) appropriate certification by the Federal Communications Commission under 47 CFR 15 (2008) and 47 CFR 68 (2008).
- 2) The base unit must give both audible and visual confirmation of the signal status using digitized voice technology and lighting cues to help the client

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stay calm while waiting on his or her designated emergency responder or other appropriate response to the situation directed by the support center.

- 3) The base unit must reattempt signaling on a regular basis until the support center confirms its receipt.

e) Support Center Specifications

- 1) The EHRS support center must have back-up monitoring capacity to take over all monitoring functions and handle all incoming emergency signals. The back-up monitoring center must be at a location different from the primary center, on a different power grid system and on a different telephone trunk line. It must have a back-up battery and electrical generating capacity, as well as telephone line monitoring abilities.
- 2) All EHRS support center and back-up center equipment, at a minimum, must:
- A) monitor the EHRS system for the receipt of incoming signals from connected base units in clients' homes, including test transmissions and fault conditions, on a continuous basis;
- B) have an audible and visual alarm for the notification of all incoming signals, including test transmissions and fault conditions;
- C) direct an appropriate response within a minute of the receipt of a signal as an operational average without disrupting or terminating the connection to the base unit in the client's home, 24 hours a day, 365 days a year, including interpretation services and communication facilitated by a teletypewriter (TTY) communication device for the deaf;
- D) provide technical support as required, 24 hours a day, 365 days a year;
- E) identify each client and simultaneously record all communication among the client, support center and responder, as applicable, for all signals, including test transmissions and fault conditions;

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- F) display, print and archive the client identifier, date, time, communication and response period for each incoming signal, which must be maintained for at least a 3-year period for quality control and liability purposes;
- G) have an uninterruptible power supply (UPS) back-up that will automatically take over system operation in the event electric power to the support center is interrupted, other type of malfunction occurs, or repairs are needed. The back-up power supply must be sufficient to operate the entire system for a minimum of 12 hours;
- H) have separate and independent primary and back-up receivers, computer servers, databases, and other components to provide an uninterruptible monitoring system in the event of equipment malfunction;
- I) perform self-diagnostic testing for malfunctions in equipment in client homes and at the support center, and for fault conditions in the primary and back-up operating systems and power supply at the support center, that could interfere with receiving and responding to signals, such as non-operational receivers and transmitters, signals received with no communications, telephone line outages, power loss, etc.; and
- J) maintain appropriate certification by the Federal Communications Commission under 47 CFR 15 (2008) and 47 CFR 68 (2008).

(Source: Added at 34 Ill. Reg. 3448, effective March 8, 2010)

**Section 240.1542 Administrative Requirements for Emergency Home Response Service Providers**

- a) In order to qualify for certification, a provider agency must, to the satisfaction of the Department:
  - 1) meet the administrative requirements under Section 240.1505;
  - 2) meet the certification requirements under Section 240.1600 or 240.1605;

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- 3) provide assurance that its equipment and support center are in continual compliance with the technology requirements imposed on provider agencies under Section 240.1541;
  - 4) maintain adequate records for administration, audit, budgeting, evaluation, operation and planning efforts by the Department in offering EHRS as a service through the Community Care Program, including client records, which shall include, but are not limited to:
    - A) dates and times of all signaling, and the name of the emergency responder for each signaling;
    - B) dates and times of all equipment tests; and
    - C) disposition of all emergency signaling;
  - 5) comply with the following requirements:
    - A) this Part; and
    - B) Underwriters Laboratories safety standards for home health care signaling equipment, UL 1637; and
    - C) Underwriters Laboratories safety standards for digital alarm communicator systems units, UL 1635.
- b) If a provider agency is not able to meet these administrative requirements, then the Department shall deny its request for a certification of qualifications under Section 240.1600.

(Source: Added at 34 Ill. Reg. 3448, effective March 8, 2010)

## SUBPART P: PROVIDER PROCUREMENT

**Section 240.1650 Classification, Identification and Receipt of Provider Service Violations**

Failure~~Failure(s)~~ to comply with the contract, proposal and Department rules shall be identified and classified by the Department.

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- a) In determining the classification assigned to each provider service violation, the Department shall consider the following:
- 1) the severity of the violation;
  - 2) the danger posed by the violation to the health, safety ~~or~~and welfare of the client, based upon degree of client impairment and availability of support sources;
  - 3) the provider's efforts to correct violations;
  - 4) the volume and scope of ~~violations~~violation(s).
- b) There are ~~3~~three classifications of violations: Type I, Type II, and Type III.
- 1) Type I provider service violations are client-centered violations ~~that~~which pose an imminent risk to the health, safety ~~or~~and welfare of the Community Care Program (CCP) client, and represent situations ~~in~~ ~~which~~where failure to correct the violation could result in the client's potential hospitalization or nursing facility placement. Type I violations shall receive priority attention, requiring immediate (within 24 hours) correction to remove the risk environment. Permanent correction must be achieved within 60 calendar days.
  - 2) Type II provider service violations are client-centered violations ~~that~~which pose a potentially serious risk to the client. These violations are to be corrected within 60 calendar days.
  - 3) Type III provider service violations are administrative violations ~~that~~which pose a very low risk to the client. The timeframe for correction of Type III violations shall be 60 calendar days or as established in an approved work plan.
- c) Provider service violations include, but are not limited to, violation of the following Community Care Program rules:
- 1) adult day service standard requirements, as specified in Section 240.1550 of this Part;

## DEPARTMENT ON AGING

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- 2) adult day service and in-home provider staffing requirements, as specified in Sections 240.1530 and 240.1555 of this Part;
  - 3) special services, as specified in Subpart J;
  - 4) provider administrative minimum standards and responsibilities, as specified in Sections 240.1510, 240.1520, 240.1542 and 240.2020 of this Part;
  - 5) service components, as specified in Sections 240.210, 240.230, 240.235, 240.270 and 240.280 of this Part;
  - 6) adult day service and in-home provider staff qualification and responsibilities, as specified in Sections 240.1535 and 240.1560 of this Part;
  - 7) service provision requirements, as specified in Section 240.915 of this Part;
  - 8) emergency home response equipment, as specified in Section 240.1541 of this Part.
- d) The Department will be in receipt of reported ~~contract, proposal and rule~~ violations through the following methods:
- 1) Performance reviews of contracted provider agencies, as specified in Section 240.1660 of this Part;
  - 2) Service complaints/violations ~~that, which~~ are reported directly to the Department or to the Senior HelpLine of the Department; or are referred to the Senior HelpLine by the Department/Case Coordination Unit ~~or~~; service provider/other; and/or
  - 3) Reports from Department staff.

(Source: Amended at 34 Ill. Reg. 3448, effective March 8, 2010)

## SUBPART S: PROVIDER RATES

## DEPARTMENT ON AGING

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**Section 240.1955 Fixed Unit Rates of Reimbursement for Emergency Home Response Service**

Emergency home response service (EHRS) providers executing a contractual agreement with the Department pursuant to Section 240.1600 shall be uniformly reimbursed for the provision of EHRS at fixed unit rates of reimbursement established by the Department. The reimbursable units of EHRS shall be as follows:

- a) Installation and Removal  
The Department shall pay a one-time installation fee at a fixed unit reimbursement rate established by the Department for the installation of the base unit in the client's home. The Department shall not pay any fee for expenses incurred by the EHRS provider if service could not be provided due to either the client's absence or the client's refusal to admit the EHRS provider's employee into the home. The Department shall not pay any fee for removal of the base unit.
  
- b) Monthly Service  
The Department shall pay a monthly service fee per client at a fixed unit reimbursement rate established by the Department for providing EHRS to clients. The Department shall not pay for the cost of maintaining telephone service for the client or any associated charges or fees.

(Source: Added at 34 Ill. Reg. 3448, effective March 8, 2010)

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- 1) Heading of the Part: Civil Service Commission
- 2) Code Citation: 80 Ill. Adm. Code 1
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1.10	Amend
1.45	Amend
1.50	Amend
1.80	Amend
1.90	Amend
1.100	Amend
1.110	Amend
1.120	Amend
1.130	Amend
1.141	Amend
1.142	Amend
1.145	Amend
1.146	Amend
1.147	Amend
1.150	Amend
1.154	Amend
1.158	Amend
1.160	Amend
1.170	Amend
1.190	Amend
1.200	Amend
1.205	Amend
1.210	Amend
1.212	Amend
1.220	Amend
1.222	Amend
1.224	Amend
1.226	Amend
1.230	Amend
1.233	Amend
1.234	Repeal, Renumber, Amend
1.235	Amend
1.236	Amend
1.237	Renumber

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1.240	Amend
1.250	Repeal
1.260	Amend
1.270	Amend
1.280	Amend
1.290	Amend
1.300	Amend
1.302	Amend

- 4) Statutory Authority: 20 ILCS 415/10
- 5) Effective Date of Rulemaking: March 3, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Civil Service Commission and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 5051; April 10, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: At JCAR's request, the phrase "or noncompliance" was added to Section 1.110(a); the citation "(see 5 ILCS 315/15)" was added to Section 1.141(a); the phrase "and amended" was added to the Source Note after Section 1.234; and the phrase "(request that certain information remain confidential during and after the hearing)" was added to Section 1.280(a).
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of rulemaking: This rulemaking governs the conduct of contested hearings held before the Civil Service Commission and the regulatory actions for which the Civil Service Commission is responsible. Contested hearings lie in the areas of discipline appeals, most typically discharge of an employee from a certified position, appeals of layoff, appeals of allocation, and rule violation appeals. With regard to regulatory matters, the amendments govern the Civil Service Commission's actions in approval of requests for exemption of Personnel Code coverage for policy-making positions and also approval of amendments to the plan of classification of positions of employment subject to the Code. The Part is also amended to provide for more efficient means of communication with interested parties and to foster the exchange of information in the appeal procedure.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Andrew Barris  
Assistant Executive Director  
Civil Service Commission  
400 West Monroe, Suite 306  
Springfield, Illinois 62704

217/782-7373 (phone)  
217/524-3706 (fax)

The full text of the Adopted Amendments begin on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER I: CIVIL SERVICE COMMISSIONPART 1  
CIVIL SERVICE COMMISSION

## Section

1.10	Meetings of the Commission
1.40	Procedures Before the Commission (Repealed)
1.45	Classification Plan
1.50	Ex Parte <del>Communications</del> <del>Consultations</del>
1.80	Declaratory Rulings
1.90	Allocation Appeals Procedure
1.100	Appeal of Layoff
1.110	Allegations of Personnel Code and Rule Violations
1.120	Appeal of Geographical Transfers
1.130	Appeals of Disciplinary Action or Demotion
1.140	Response to Proposed Decisions (Renumbered)
1.141	Collective Bargaining Agreements
1.142	Jurisdiction B Exemptions
1.143	Orders of Compliance
1.145	Appearances – Representation
1.146	Service of Pleadings
1.147	Appeal Hearing File
1.150	Filing Procedure – Computation of Time
1.154	Notice, Time, and Place of Hearing
1.158	Public Hearing – Recording – Confidentiality
1.160	Disciplinary Charges and Amendments
1.170	Cause for Discharge
1.180	Conduct of Hearings (Repealed)
1.190	Subpoena – Fees and Mileage of Witnesses
1.200	Authority of Administrative Law Judge
1.205	Motions
1.210	Extensions of Time – Continuances of Hearing – Waivers of Compensation for Continuances
1.212	Consolidation
1.216	Qualification of Administrative Law Judge
1.218	Disqualification of Administrative Law Judge

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1.220	Discovery
1.222	Evidence Depositions
1.224	Prehearing Conference
1.226	Stipulations
1.230	Default
1.232	Burden of Proof
1.233	Evidence
1.234	<del>Hostile Witness Offer of Proof</del>
1.235	Exhibits
1.236	Order of Hearing
1.237	Hostile Witness ( <del>Renumbered</del> )
1.240	Interlocutory Appeal
1.250	Past Work Record ( <del>Repealed</del> )
1.260	Oral Argument Before the Commission
1.270	Authority of Commission to Modify Administrative Law Judge's Decision – Finality of Decision
1.280	Record of Proceedings
1.290	Remandment
1.300	Administrative Review
1.302	Response to <del>Proposal for Decision Proposed Decisions</del>
1.310	Personnel Rules
1.320	Classification Plan (Renumbered)
1.330	Collective Bargaining Agreements (Renumbered)
1.340	Jurisdiction B Exemptions (Renumbered)
1.350	Orders of Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 10 of the Personnel Code [20 ILCS 415/10].

SOURCE: Adopted June 28, 1972; rules repealed and new rules adopted at 6 Ill. Reg. 3551 and 3553, effective March 23, 1982; codified at 8 Ill. Reg. 16419; amended at 9 Ill. Reg. 15826, effective October 4, 1985; amended at 19 Ill. Reg. 12451, effective August 21, 1995; amended at 34 Ill. Reg. 3485, effective March 3, 2010.

### Section 1.10 Meetings of the Commission

- a) The Illinois Civil Service Commission (~~hereinafter called "Commission"~~) shall hold an open and public meeting each month. The meetings shall be held ~~when practicable on alternate months~~ in Chicago and or Springfield.

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- b) A schedule of meeting dates shall be made at the beginning of each calendar year stating the date, time, and place of the monthly meetings.
- c) Changes in regular meeting dates and the holding of special meetings shall be made in compliance with the Illinois Open Meetings Act [5 ILCS 120] and the Illinois Personnel Code [20 ILCS 415].
- d) Meetings may be held by telephone conference call or by video conferencing if done in compliance with all applicable laws.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.45 Classification Plan**

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those ~~that~~which meet the requirements of the Personnel Code and Personnel Rules and conform to the following ~~currently~~-accepted principles of position classification:

- a) The specifications are descriptive of the work being done or ~~that~~which will be done;
- b) Identifiable differentials are set forth among classes ~~that~~which are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional ~~opportunities~~appointments are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity, and nature of work.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.50 Ex Parte Communications~~Consultations~~**

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- a) Except in the disposition of matters ~~which~~ they are authorized by law to entertain or dispose of on an ex parte basis, ~~neither~~ commission members, employees ~~and;~~ ~~nor~~ Administrative Law Judges shall not, after notice of hearing in a contested case, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or ~~the party's~~ his representative, except upon notice and opportunity for all parties to participate.
- b) Communications regarding procedure, including, but not limited to, such as format of pleadings, number of copies required, manner of service, status of proceedings, and continuances are not considered to be ex parte communications. ~~However, requests for continuances shall not be granted until the opposing party is notified either orally or in writing that a request is going to be made.~~

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.80 Declaratory Rulings**

- a) Upon petition from an interested or affected person or agency, the Commission may make declaratory rulings as to material questions involving the applicability and interpretation of the Personnel Code, the Personnel Rules ~~of the Department of Central Management Services~~ (80 Ill. Adm. Code 301, 302, 303, 304 and 305) or any order or final decision of the Commission.
- b) The Commission may refuse to issue such rulings if the question is in issue in a contested case before the Commission, if the ruling would not resolve a substantial issue of law, if the request presents an issue already determined by the Commission or court of competent jurisdiction, or if the issue is pending in another court or administrative body.
- c) Declaratory rulings shall not be appealable but are only advisory.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.90 Allocation Appeals Procedure**

- a) An employee shall, within 15 days ~~after~~ receipt of the Director of the Department of Central Management Services' decision on reconsideration, serve notice upon the Commission of his or her intent to appeal the reconsideration

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decision of the Director. ~~The employee shall simultaneously serve a~~ copy of the notice of intent ~~shall be served~~ upon the Director of the Department of Central Management Services. ~~The~~Such notice ~~shall~~should state the name of the employee, ~~the employee's~~his appointing agency, a description of the disputed classification issue, and the class for which the employee is appealing.

- b) Upon receipt of a notice of intent to appeal, the Director of the Department of Central Management Services shall file with the Commission within ~~3020~~ days a submission setting forth the facts and reasons for the reconsideration decision. A copy shall be served upon the employee. In ~~thesueh~~ submission there shall be a clear and brief recitation of all relevant facts, argumentative facts, and documentary evidence submitted in exhibit form.
- c) Within ~~3020~~ days ~~afterof the~~ receipt of the Director's submission, the employee shall file with the Commission an answer setting forth all relevant facts, argumentative facts, and documentary evidence in exhibit form. A copy of ~~thesueh~~ answer shall be served upon the Director of the Department of Central Management Services. The employee shall point out with particularity his ~~or her~~ disagreement with the submission of the Department of Central Management Services.
- d) Within 30 days ~~afterof~~ receipt by the Commission of the submissions of the parties, notification will be served by the Commission of ~~thea~~ date of ~~the~~ hearing ~~that will~~which shall be held for the purpose of presenting argument and/or accepting evidence on material and substantial issues of fact. By agreement of the parties and ~~the~~ Commission, the hearing may be waived.
- e) Parties may represent themselves ~~or~~, be represented by counsel, or by other representatives as they may elect.
- f) After the completion of the hearing, a proposal for decision by the Administrative Law Judge shall be served upon the parties. The parties shall have 15 days after service to file written comments and arguments before the Commission renders its final decision. The filing of the parties' ~~responses~~response shall be in accordance with Section ~~1.3021.150~~ of this Part.
- g) Employees who are subject to collective bargaining agreements ~~that~~which permit an appeal to the Commission of class study reclassifications not resolvable under the applicable contract shall use the procedure set forth in this ~~Section~~rule if they

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appeal to the Commission.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.100 Appeal of Layoff**

- a) An appeal of layoff shall be filed with the Commission by the affected employee within 15 calendar days following the effective date of layoff. The effective date of layoff is ~~the~~that date designated by the Director of Central Management Services in the approved notice of layoff ~~which is~~ served on the employee.
- b) The appeal shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Personnel Code or the Personnel Rules ~~of the Department of Central Management Services which are~~ alleged to have been violated or not complied with.
- c) An investigation shall be conducted by the Commission and the proposal for decision ~~proposed findings~~ shall be served upon all parties to the dispute. The parties shall then have 21 days to file in the office of the Commission a response to the proposal for decision ~~proposed findings~~ and a request for hearing if either party so desires.
- d) If, in the judgment of the Administrative Law Judge or the Commission, a substantial issue of fact or law exists ~~that~~which cannot be resolved by investigation, the parties will be notified of a date of hearing. The notice will set forth a short statement of the issue of fact and/or law. If it is determined ~~the Commission determines~~ that no material issue of fact or law exists, the Commission ~~it~~ will issue its decision based upon the findings of the investigation and the parties' responses to the proposal for decision ~~thereto~~.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.110 Allegations of Personnel Code and Rule Violations**

- a) An allegation of a violation of the Personnel Code or Personnel Rules ~~of the Department of Central Management Services~~ shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Code or Rules that have been violated or not complied with. The appeal must be filed within 180 days after the date on which the affected person knew, received

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written notice of, or, through the use of reasonable diligence, should have known of the alleged violation or noncompliance.

- b) An investigation shall be conducted by the Commission and the proposal for decision~~proposed findings~~ shall be served upon all parties to the dispute. The parties shall then have 21 days to file in the office of the Commission a response to the proposal for decision~~proposed findings~~ in accordance with Section 1.302-1.150 of this Part and a request for hearing if either party so desires.
- c) If, in the judgment of the Administrative Law Judge or the Commission, a substantial issue of fact or law exists, the parties will be notified of a hearing~~date of hearing~~. The notice will set forth a short statement of the issue of fact and/or law. If it is determined~~the Commission determines~~ that no material issue of fact or law exists, the Commission~~it~~ will issue its decision based upon the findings of the investigation and the parties' responses to the proposal for decision thereto.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.120 Appeal of Geographical Transfers**

- a) An appeal of geographical transfer shall be filed with the Commission by the affected employee within 15 calendar days following the effective date of the transfer. The effective date of the transfer is the date the employee is required to report to the new location. In appeals to the Commission from permanent transfers from one geographical area in the State to another, the employee shall have the burden of introducing sufficient, competent, and credible evidence showing that the transfer was unreasonable, unjust, or capricious and was not a bona fide attempt to serve the best interests of the operating agency.
- b) Under normal circumstances, a transfer of an employee for a period in excess of 60 days will be considered a permanent transfer.
- ~~e) The appeal of geographical transfer shall be filed with the Commission within 15 days of the date the employee is required to report to the new location.~~

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.130 Appeals of Disciplinary Action or Demotion**

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- a) A certified employee who has been served with written charges approved by the Director of Central Management Services for removal, discharge, demotion, or suspension for a period of more than 30 days within a ~~12~~twelve-month period, may appeal to the Commission. ~~The~~~~Such~~ appeal shall be in writing and filed with the Commission within 15 days ~~after~~~~of~~ receipt of ~~the~~~~such~~ approved charges.
- b) In disciplinary appeals and demotion appeals, the agency has the burden of proof and as such is designated the Petitioner; the employee is designated the Respondent. Employees whose positions are subject to collective bargaining agreements may appeal disciplinary actions either through the procedure set forth in the agreement or through the Commission but not both.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.141 Collective Bargaining Agreements**

- a) The Commission shall give full recognition and effect to provisions of collective bargaining agreements relating to wages, hours, and conditions of employment reached under the provisions of the Illinois Public Labor Relations Act [5 ILCS 315]. Provisions of collective bargaining agreements supersede contrary provisions of the Personnel Code, Personnel Rules and Rules of the Civil Service Commission (see 5 ILCS 315/15).
- b) Employees whose positions are subject to collective bargaining agreements may appeal disciplinary actions, demotions, layoffs, geographical transfers or rule violations either through the procedure set forth in the agreement or through the Commission, but not both.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:

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- 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- a) ~~Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:~~
- 1) ~~The Governor, or~~
  - 2) ~~A departmental director or assistant director appointed by the Governor, or~~
  - 3) ~~A board or commission appointed by the Governor, or~~
  - 4) ~~The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or~~
  - 5) ~~In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of~~

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~~the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or~~

~~6) A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s); provided the position proposed for exemption has line authority over the statutorily exempt position(s), or~~

~~7) The elected head of an independent agency in the executive, legislative, or judicial branch of government.~~

~~b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:~~

~~1) Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.~~

~~2) Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.~~

~~3) Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.~~

be) The Commission may<sub>1</sub> upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services<sub>2</sub> rescind the exemption of any position ~~that~~which no longer meets the requirements for exemption ~~as~~ set forth in subsections~~subsections~~ (a) ~~and (b) of this Section~~. However, ~~rescission~~withdrawal of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status ~~that~~which will insure responsive and accountable administrative control of the programs of the agency<sub>1</sub> board or commission.

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- ~~c~~d) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification~~duties, responsibilities, organization, location, allocation, or identity.~~
- ~~d~~e) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. ~~The, whereupon the~~ incumbent may appear at the Commission meeting at which ~~such~~ action is to be taken and present objections to ~~the~~~~such~~ exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.145 Appearances – Representation**

Parties may choose to represent themselves, be represented by an appropriate association, or be represented by an attorney licensed to practice law in the State of Illinois. An attorney representing a party shall file a written notice of appearance with the Commission identifying the attorney by name, address, telephone and facsimile number, and attorney registration number.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.146 Service of Pleadings**

- a) Manner of Service. When copies of papers filed with the Commission are required to be served on the opposing party, these copies shall be served personally, by first class mail, or in a manner agreed to by the parties and approved by the Administrative Law Judge pursuant to Section 1.150(d)~~either personally or by first class mail.~~
- b) Proof of Service. Proof that ~~these~~ copies were served on the opposing party must be filed with the papers required to be filed with the Commission. Proof of service shall consist of the statement of the individual making service specifying the manner and date of ~~the~~~~such~~ service.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**Section 1.147 Appeal Hearing File**

After an appeal to the Commission has been filed, the Commission will establish an appeal file ~~containing~~shall be established which shall contain all documents pertinent to the appeal. Either party to the appeal may inspect the file during regular business hours in the office of the Commission. Members of the public may inspect or request a copy of the appeal file in accordance with the Freedom of Information Act [5 ILCS 140], except for those records exempt from inspection and copying by that Act.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.150 Filing Procedure – Computation of Time**

## a) Filing and Form of Papers

- 1) The original copy of a complaint, appeal, pleading, written motion, notice or other paper, ~~except for responses to proposed decisions which is governed by Section 1.140,~~ must be filed in the Springfield office of the Commission. ~~If Holidays, Saturdays, and Sundays will be excluded from computing filing dates if~~ the last day for filing falls upon a weekend or legal holiday, ~~in which event~~ the last date for filing ~~will~~would be the first business day subsequent to ~~the~~such weekend or legal holiday.
- 2) Papers shall be signed in ink by the party filing the paper or by the party's representative and shall contain the address of the party; ~~or,~~ if represented, the name, business address, and telephone number of ~~the~~such representative. Copies of all filed papers shall be served on all parties to the proceedings, and notice of ~~such~~ service shall be given to the Commission.
- 3) Each document shall show on the first page the caption and case number assigned by the Commission, and shall identify the party on whose behalf the document is filed. The final page of each filed document shall contain the name, address, and telephone number of the attorney, ~~or~~ of the party if the party is self-represented.

## b) Notice

Notice to a designated representative is notice to ~~the~~his client or member

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~~represented~~. Notice to an employee who is not represented shall be served at the address specified in the employee's appeal or, if an address was not specified, in the absence of such specification, to the last address shown in the employee's personnel file.

- c) Computation of Time  
Whenever a time period commences upon a person's receipt of service or notice and service is by mail, receipt shall be presumed to have occurred on the fourth day after mailing. The presumption may be rebutted by proper proof.
- d) Filing by Facsimile and/or Electronic Mail  
Filings may be by facsimile if done in accordance with ~~all other rules in~~ this Part. Filings may be by electronic mail if agreed to by all of the parties, but electronic filing will only be allowed with the prior approval of the Administrative Law Judge assigned to the proceeding as to the form and manner of the filing. By express agreement of all parties, the Administrative Law Judge may order that routine communications regarding scheduling matters be conducted via electronic mail.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.154 Notice, Time, and Place of Hearing**

Disciplinary hearings shall be scheduled ~~for hearing~~ within 30 days after the request for hearing is filed with the Commission. At least 10 days notice of the time and date of the first hearing shall be given to all parties. This may, however, be waived in an emergency. Ordinarily, appeals will be heard in the Commission's Chicago or Springfield office, but either party or the Administrative Law Judge may request another location for the convenience of all parties.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.158 Public Hearing – Recording – Confidentiality**

- a) All hearings shall be open to the public, except as otherwise provided in subsection (b).
- b) Upon motion of either party, the hearing may be closed to the public ~~when~~ where testimony or exhibits would refer to and reveal matters ~~that~~ which constitute an exception to public disclosure under Section 7(1)(c) of the Illinois Freedom of

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Information Act [5 ILCS 140/7(1)(c)] or if the Administrative Law Judge finds it necessary to close the hearing in instances in which personal safety is of concern or when confidential testimony/exhibits/matters are to be referenced or revealed.

- c) Recording of hearings by devices used by individuals other than the officially designated court reporter/stenographer or Administrative Law Judge is not allowed.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.160 Disciplinary Charges and Amendments**

- a) Charges must be specific enough to apprise the employee of the nature and substance of the cause alleged for discharge. Written charges approved by the Director of Central Management Services seeking an employee's discharge, demotion; or suspension totaling more than 30 days in any 12~~twelve~~-month period; shall contain a specific statement of facts that~~which~~ allege the cause for the proposed action sought against the employee. If a breach of a statutory duty or a rule of the agency is alleged, the specific statute or rule shall be cited in connection with the charge.
- b) Charges shall be set forth in separate~~separately numbered~~ paragraphs and contain the dates, names of persons, places; and information reasonably calculated to apprise the employee of the allegations that are the basis of the discipline~~facts necessary to properly allege cause.~~
- c) At any time prior to commencement of hearing or prior to the close of hearing, the Administrative Law Judge may, upon motion of a party, permit amendment of charges if no undue surprise results that~~which~~ would prejudice the opposing party's right to a prompt hearing or impose ana substantial injustice on either side.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.170 Cause for Discharge**

- a) Cause for discharge consists of some substantial shortcoming that~~which~~ renders the employee's continuance in his or her position in some way detrimental to the discipline and efficiency of the service and that~~which~~ the law and sound public opinion recognize as good cause for the employee no longer holding the position.

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- b) In determining the appropriate level of discipline~~penalty for an offense of which the employee is found guilty~~, the Commission shall consider the employee's performance record, including disciplinary history, and the employee's length of continuous service, unless the offense would warrant immediate discharge in accordance with subsection (a).

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.190 Subpoena – Fees and Mileage of Witnesses**

- a) Upon written request by a party to a contested case, the Commission will issue a subpoena for attendance of a witness or production of books, papers, documents, or other tangible things at a hearing or deposition if the party shows good cause as to why the testimony and/or books, papers, documents or other tangible things cannot otherwise be obtained and states the reasons why the testimony and/or books, papers, documents or other tangible things are necessary and relevant.
- b) Subpoena forms may be obtained by applying to the Executive Director at the Commission's Springfield office.
- c) Witness and Mileage Fees – The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.
- d) Service and Contents – The person requesting a subpoena shall be responsible for its service. A subpoena shall be served reasonably in advance of its return date. The subpoena shall state the number and address of the person initiating its issuance, and shall identify the person or evidence subpoenaed and the person to whom, and the place, date, and the time at which, it is returnable.
- e) Petition to Quash or Modify – Within five ~~(5)~~ days after service of a subpoena on any person, ~~that~~such person may file a petition to quash or modify ~~the~~said subpoena, stating reasons in support of ~~the~~such relief. A copy of the petition shall be served at the same time on the person serving the subpoena. Whenever a petition to quash a subpoena is properly filed under this Section, the petitioner shall not be required to respond to ~~the~~such subpoena until the petition has been ruled upon.

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- f) Any witness subpoenaed for a deposition may be required to attend only in the county in which he or she resides or maintains an office address, or in any other place ordered by the Administrative Law Judge.
- g) Enforcement – Whenever any person ~~shall~~ knowingly ~~fails~~fail or ~~refuses~~refuse to comply with a subpoena ~~served in accordance herewith~~, the party serving the subpoena or the Commission shall petition the appropriate circuit court pursuant to the Personnel Code for an order enforcing ~~the said~~ subpoena.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.200 Authority of Administrative Law Judge**

The Administrative Law Judge has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The Administrative Law Judge shall have all powers necessary to conduct a hearing, including the power to:

- a) Administer oaths and affirmations;
- b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceedings according to generally recognized administrative law and this Part;
- c) Examine witnesses and direct witnesses to testify. If a witness refuses to answer a question after being directed to do so, the Administrative Law Judge may make such orders with regard to the refusal as are just and appropriate, including but not limited to excluding the testimony of a witness, admitting certain facts for purposes of the proceedings, or dismissing the appeal if the witness is under control of a party;
- d) Limit the number of times any witness may testify, limit repetitious or cumulative testimony and set reasonable limits on the amount of time each witness may testify and be cross-examined;
- e) Rule upon offers of proof and receive relevant evidence;
- f) Direct parties to appear and confer for the settlement or simplification of issues,

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and to otherwise conduct prehearing conferences;

- g) Dispose of procedural requests or similar matters;
- h) Render findings of fact, conclusions of law and proposals for decision recommendations for an order of the Commission;
- i) Reprimand or exclude from the hearing any person for disruptive indecorous or improper conduct committed in the presence of the Administrative Law Judge;
- j) Take official notice of generally recognized facts, administrative rules and regulations, and statutes;
- k) Enter a protective order to ensure the protection of any confidential or proprietary information, information specifically prohibited from disclosure by federal or State law or rules or regulations adopted under Federal or State law, or information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;
- l) Enter any order that further carries out the purpose of this Part.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.205 Motions**

- a) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on a matter that which does not appear on record shall be supported by affidavit.
- b) A written motion shall be served at the same time upon all parties and filed with the Commission's Springfield office.
- c) Written motions and responses to motions thereto shall should set forth the arguments and authorities relied upon to permit the Administrative Law Judge to make a decision without oral argument on the motion. Parties may request a hearing that which will be granted or denied based on the need for a hearing according to the decision of the Administrative Law Judge's determination of need Judge.

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- d) Within seven ~~(7)~~ days after service of a motion, a participant or party may file a response to the motion. If no response is filed, ~~thesueh~~ participant or party shall be presumed to have waived objection to the granting of the motion, but ~~thesueh~~ waiver of objection does not bind the Administrative Law Judge in the decision on the motion. Unless undue delay or material prejudice would result, the Administrative Law Judge will not grant any motion before expiration of the seven-day response period. The moving person shall not have the right to reply, except as permitted by the Administrative Law Judge ~~to prevent material prejudice.~~
- e) Arguments on preliminary motions may be held by telephone conference by agreement of the parties and the Administrative Law Judge. ~~Upon request of any party, arguments on preliminary motions may be held by telephone conference call.~~

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.210 Extensions of Time – Continuances of Hearing – Waivers of Compensation for Continuances**

- a) The Commission, or an Administrative Law Judge appointed by it to conduct a hearing, may, for good cause shown on timely motion after notice to the opposite party, extend the time for filing any pleading or paper or may continue the date of a scheduled hearing for a limited period.
- b) Granting or denying a continuance of a scheduled hearing is within the discretion of the Commission or the Administrative Law Judge.
- c) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for filing or hearing, except for emergencies, including but not limited to serious illness, family death or family emergency, ~~or act of God~~ relating to the party or the attorney for the party.
- d) The granting of a request for continuance by the employee in a discharge appeal will, under normal circumstances, constitute a voluntary waiver ~~by him~~ of any claim to compensation for the period of ~~thesueh~~ continuance if the employeee is ordered retained in his or her position.

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- e) Requests for continuances must be preceded by contacting the opposing party, either orally or in writing, and asking for agreement to the continuance.
- f) An employee's request for the first continuance in the case of a disciplinary appeal must be made in writing.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.212 Consolidation**

Two or more proceedings may be consolidated on motion of either party or the Administrative Law Judge whenwhere the cases involve common issues of law or fact, consolidation would not prejudice the rights of the parties, and consolidation would result in the efficient and expeditious resolution of appealseases.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.220 Discovery**

Discovery shall be attained through the following methods:

- a) Bill of Particulars – An employee who is the subject of disciplinary charges may request additional information regarding the charges. Written demands for relevant information concerning the charges shall be answered within ~~ten (10)~~ days after service unless objected to.
- b) Written Interrogatories – A party may direct written interrogatories to any other party. TheSuch interrogatories shall be restricted to the subject matter of the complaint or defense and shall avoid placing undue detail, excessive burden, or expense on the answering party. Within ~~ten (10)~~ days after service, the answering party shall serve on the propounding party an answer, under oath or affirmation, or an objection to each interrogatory. WhenWhere appropriate, a document may be served in answer to an interrogatory. Supplemental interrogatories shall not be allowed except on leave of the Administrative Law Judge for good cause shown.
- c) Production, Inspection, Copying or Photographing of Documents and Tangible Things – A party, by written request served upon the other parties, may require production for inspection, copying or photographing any document, object or tangible thing thatwhich is relevant to the subject matter of the complaint or

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defense. The party upon whom the request is served shall respond to the request within ~~ten (10)~~ days, stating with respect to each item or category that inspection and related activities will be permitted as required, unless the request is objected to, ~~stating in which event~~ the reasons for objection ~~shall be stated~~.

- d) List of Witnesses and Documents – Upon timely request prior to a hearing on the merits, each party to the proceeding shall serve on the other party:
- 1) A list of names and home or work addresses of the witnesses the party proposes to call in its case in chief.
  - 2) All documents the party proposes to offer in its case in chief.
  - 3) All written or recorded statements of the party's witnesses ~~that~~which may be used by an adverse party for the purpose of cross-examination.
- e) Deposition – A party may take discovery depositions either for good cause shown or by agreement. A discovery deposition, taken for good cause or by agreement, may be taken only upon leave of the Administrative Law Judge. No party shall serve a notice of deposition without leave of the Administrative Law Judge.
- f) Admission of Fact or of Genuineness of Documents – A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- g) Privileges – All matters that are privileged against disclosure in civil cases in the courts of the State of Illinois shall be privileged against disclosure through any discovery procedure ~~hereunder~~.
- h) Limitation of Discovery – At any time the Administrative Law Judge may, on his/her own motion or on motion of any party or witness, make ~~such~~ protective orders as justice and fairness may require, denying, limiting, conditioning or regulating discovery to prevent unreasonable annoyance, expense, embarrassment, disadvantage or oppression. Discovery materials need not be filed with the Commission unless specifically requested by the Administrative Law Judge.

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(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.222 Evidence Depositions**

Upon order of the ~~Administrative Law Judge presiding officer or by agreement of the parties~~, a deposition of any witness may be taken for use as evidence in a Commission proceeding. The depositions may be taken in the manner provided by law for depositions in civil actions in the courts of this State.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.224 Prehearing Conference**

- a) Upon written notice by the Administrative Law Judge in any proceeding, parties or their ~~representatives~~attorneys may be directed to appear ~~in person or by telephone or other electronic means~~ at a specified time and place for a conference, prior to or during the course of hearing for the purposes of:
- 1) ~~Scheduling~~
  - 2) Simplifying the issues;
  - 32) Amending the pleadings for clarifications, amplification, or limitation;
  - 43) Making admissions of facts or stipulating to the admissibility of any matters to expedite the hearing;
  - 54) Limiting the number of witnesses;
  - 65) Exchanging prepared testimony and exhibits; and
  - 76) Aiding in the simplification of the evidence and disposition of the proceeding.
- b) After a prehearing conference, the Administrative Law Judge ~~may shall~~ provide all parties with a statement ~~that~~which recites:
- 1) Any ruling on motions or other actions taken by the Administrative Law Judge;

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- 2) Any agreements made by the parties as to any of the matters considered; and
  - 3) Those issues remaining for hearing.
- c) A ~~court reporter stenographer~~ may be present to transcribe the proceedings at a prehearing conference. All costs related to the ~~court reporter's stenographic~~ services shall be borne by the party requesting ~~thesueh~~ service. The written record of the proceedings shall be filed with the Commission within 10 days after receipt of the transcript.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.226 Stipulations**

The parties to any proceeding may, by stipulation in writing filed with the Commission or entered orally in the record, agree upon the facts or any part ~~of the facts thereof~~ involved in the proceeding. It is the policy of the Commission to encourage stipulations of fact whenever practicable.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.230 Default**

Failure of a party to appear on the date set for hearing, or failure to file materials or submissions required by this Part or by order of the Administrative Law Judge or Commission, shall constitute a default. The Administrative Law Judge may, upon motion of the party who has appeared or upon his or her own motion, dismiss the appeal subject to approval of the Commission.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.233 Evidence**

- a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of Illinois shall be followed. However, evidence not admissible under ~~thosesueh~~ rules of evidence may be admitted (~~unless except where~~ precluded by statute) if it is of a

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type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

b) Objections to evidentiary offers may be made and shall be noted in the record.

c) Any party who has had evidence excluded may make an offer of proof.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.234 ~~Hostile Witness~~ Offer of Proof**

If the Administrative Law Judge determines that a witness is hostile or unwilling, examination of the witness by the calling party may be conducted as if under cross-examination. The party calling an occurrence witness may, upon showing the witness was called in good faith but the calling party is surprised by the testimony, impeach the witness by proof of prior inconsistent statements.~~Any party who has had evidence excluded may make an offer of proof.~~

(Source: Old Section 1.234 repealed and Section 1.237 renumbered to Section 1.234 and amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.235 Exhibits**

a) Marking – All exhibits shall be marked by a court reporter~~stenographer~~ designated to record the hearing in numerical order with a party designation.

b) Designation of Part of Document as Evidence – When relevant material matter offered into evidence is included in a book, paper, or document containing other material not relevant, the person offering the material~~same~~ must plainly designate the matter ~~so~~ offered.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.236 Order of Hearing**

a) The Administrative Law Judge shall open the hearing by explaining the procedure to be followed in the hearing. Upon motion of either party or at the discretion of the Administrative Law Judge, any or all witnesses may be sequestered.

b) Preliminary matters such as objection to charges, disputes involving discovery,

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stipulation of facts and documents, and scheduling of witnesses may be resolved.

- c) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven.
- d) All witnesses shall testify under oath or affirmation.
- e) Each party may conduct such cross-examination as ~~shall be~~ required for a full and true disclosure of the facts. The Administrative Law Judge may also examine witnesses.
- f) Before closing the hearing, the Administrative Law Judge may allow both parties the opportunity to make brief oral and/or written closing statements.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.237 Hostile Witness (Renumbered)**

~~If the Administrative Law Judge determines that a witness is hostile or unwilling, examination of the witness by the calling party may be conducted as if under cross-examination. The party calling an occurrence witness may, upon showing the witness was called in good faith but the calling party is surprised by the testimony, impeach the witness by proof of prior inconsistent statements.~~

(Source: Section 1.237 renumbered to Section 1.234 at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.240 Interlocutory Appeal**

When in the course of a hearing the Administrative Law Judge finds a question of law, fact, or policy that if resolved by the Commission will materially advance the resolution of the dispute, the Administrative Law Judge, on his or her own motion or the motion of one of the parties, may refer the issue to the Commission for resolution.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.250 Past Work Record (Repealed)**

~~In a disciplinary hearing the performance records of the employee or past disciplinary records are~~

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~~relevant for the purpose of mitigation or aggravation of penalty in the event the employee is found guilty of the disciplinary charge.~~

(Source: Repealed at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.260 Oral Argument Before the Commission**

Oral argument in contested cases will not be allowed before the Commission unless novel and precedent setting questions of law or policy are at issue. Argument by interested parties shall be requested by motion to the Commission with notice to the opposing party made at least five days before the Commission's public meeting ~~in which~~~~wherein~~ the matter will be considered. The issues ~~that~~~~which~~ will be the subject of argument shall be set forth with particularity in the motion.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.270 Authority of Commission to Modify Administrative Law Judge's Decision – Finality of Decision**

- a) The Commission shall have the authority to affirm, reverse, ~~or~~ modify, ~~or set aside in whole or in part~~ the proposal for decision of the Administrative Law Judge, or remand the matter to the Administrative Law Judge for the purposes set forth in Section 1.290.
- b) If the Commission reverses or modifies a proposal for decision, it shall set forth in its written decision those findings of fact, conclusions of law, or other portions of the proposed decision that it is reversing or modifying. All portions of the proposal for decision not set forth in the Commission's written decision are presumed to be affirmed.
- c) A decision or action of the Commission shall become final at the time it is made in writing and announced at an open and public meeting of the Commission and cannot be further reviewed by or appealed to the Commission.
- d)e) The Commission's final administrative decision shall be served on the parties or their legal representative by United States mail to the last known address of the party or counsel.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**Section 1.280 Record of Proceedings**

- a) Whenever a hearing is held under the Personnel Code or this Part~~these rules~~, it shall be recorded by a court reporter~~stenographic~~ or other means that~~which~~ adequately preserves the record. The Administrative Law Judge or Commission may order that any~~the~~ recording be transcribed. The agency that~~which~~ is a party to the hearing shall bear all costs related to the production of the transcript of the proceedings, including but not limited to the costs of the court reporter~~stenographer~~ and original transcript. Parties who order copies of the transcript are responsible for the cost of the copies. The transcript provided to the Commission shall be transcribed in full page format. A party who has requested an order of protection (request that certain information remain confidential during and after the hearing) shall be responsible for redacting the protected information from the transcript.
- b) The written record of the proceeding shall be filed with the Commission within 10~~ten~~ days after~~of the~~ receipt of the transcript of the final hearing by either the agency or its representative. Written notice of filing shall be served on all parties to the proceedings.
- c) Any such-record will be available for examination by the public at reasonable times in the Springfield office of the Commission. Upon; and, upon written request made at least forty-eight (48) hours (exclusive of Saturdays, Sundays, and official State holidays) in advance, the Commission will make any such-record available for examination at its Chicago office.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.290 Remandment**

Until the decision in a case is final, the Commission may remand it to the Administrative Law Judge for the purpose of taking additional evidence or soliciting additional argument or for any other reason that will assist the Commission in rendering its decision.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.300 Administrative Review**

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All final decisions of the Commission shall be subject to appeal by the parties to the proceedings under the Administrative Review ~~Law Act (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 et seq.)~~ [735 ILCS 5/Art. III] by the filing of a complaint and the issuance of summons within 35 days from the date that a copy of the Commission decision was served upon the party affected ~~thereby~~. A decision is deemed to have been served ~~either~~ when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage prepaid, addressed to the party affected ~~thereby~~ at ~~the party's~~his last known residence or place of business.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

**Section 1.302 Response to Proposals for Decision~~Proposed Decisions~~**

- a) In a contested case ~~in which~~where the members of the Commission have not heard the case or read the record, the findings and decision of the Administrative Law Judge appointed by the Commission to conduct the hearing or the results of the investigation shall be mailed to the parties prior to the Commission rendering a final decision.
- b) Unless arrangements to the contrary have been made, six~~Six~~ copies of ~~any~~the response shall be filed in the Springfield office of the Commission. The responses shall be accompanied by proof that a copy of the response was served upon the opposing side.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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- 1) Heading of the Part: Electric Interconnection of Large Distributed Generation Facilities
- 2) Code Citation: 83 Ill. Adm. Code 467
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
467.10	New Section
467.20	New Section
467.30	New Section
467.40	New Section
467.50	New Section
467.60	New Section
467.70	New Section
467.80	New Section
476.90	New Section
467.APPENDIX A	New Section
467.APPENDIX B	New Section
467.APPENDIX C	New Section
467.APPENDIX D	New Section
467.APPENDIX E	New Section
467,APPENDIX F	New Section
- 4) Statutory Authority: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5 and 10-101]
- 5) Effective Date of Rulemaking: March 1, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 6, 2009; 33 Ill. Reg. 3718
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

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1. Section 467.20: Changed the definition of "affected system" from "'affected system" means an electric system not owned or operated by the EDC reviewing the interconnection request that could suffer an adverse system impact from the proposed interconnection." to "'affected system" means an electric system other than the EDC's distribution system with which the distributed generation facility is to be directly connected, that could suffer an adverse system impact from the proposed interconnection."
2. Section 467.20: Deleted definition of "distribution upgrade".
3. Replaced "distribution upgrade" with "system upgrade" throughout the rules.
4. Section 467.40: Replaced "published by" with "adopted by".
5. Section 467.50(d): In the 3<sup>rd</sup> sentence, deleted "provided for". Deleted the 4<sup>th</sup> sentence: "If events outside the control of the EDC prevent the EDC from meeting a mutually agreed upon deadline, it shall immediately notify the applicant in writing and provide an estimated time by which it will complete the applicable interconnection procedure."
6. Section 467.60(d): In the 2<sup>nd</sup> sentence, changed "regulations" to "law". Added as the 4<sup>th</sup> sentence "If the EDC refuses to provide the required information, it shall give written notice to the applicant requesting the information, which shall include the specific reasons that preclude sharing the requested information."
7. Section 467.60(j): In the 1<sup>st</sup> sentence, after "requirements, added ", which shall be consistent with industry standards,".
8. Section 467.60(k): In the 2<sup>nd</sup> sentence, changed "commissioning test" to "witness test". After the 2<sup>nd</sup> sentence, added "Any disputes between the parties as to what constitutes a witness test shall be resolved under Section 467.80." Changed the 4<sup>th</sup> sentence from "If the witness test results are not acceptable to the EDC, the applicant shall be granted 30 business days to address and resolve any deficiencies." to "If the distributed generation facility does not satisfactorily pass the witness test, the applicant shall be granted 30 business days after the date of the witness test or dispute resolution to address and resolve any deficiencies."

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9. Section 467.70(a): Changed subsection (a) from "The applicant shall submit an interconnection request using the appropriate form, along with the application fee specified in Appendix B." to "The applicant shall submit an interconnection request using Appendix B, along with the application fee specified in Appendix B."
10. Section 467.70(b): In the 3<sup>rd</sup> sentence after "is required", added "and reasonable".
11. Section 467.70(c): Before "interconnection facilities", added "system upgrades and".
12. Section 467.70(c)(2): In the 1<sup>st</sup> sentence, changed "on transmission networks" to "transmission system".
13. Section 467.70(d)(1): Added as the 1<sup>st</sup> sentence "The EDC shall offer the applicant the related study agreement forms included in Appendices C, D, and E."
14. Section 467.70(d)(2): Changed the 1<sup>st</sup> sentence from "If agreed to by the parties, a scoping meeting on a mutually agreed upon date and time shall be held after the EDC has notified the applicant that the interconnection request is deemed complete." to "A scoping meeting shall be held no later than 10 business days, or on a mutually agreed upon date and time, after the EDC has notified the applicant that the applicant has provided all the necessary information."
15. Section 467.70(e)(1)(A): Added as subsection (v) "Description of, and nonbinding estimated cost of, facilities required to interconnect the distributed generation facility to the EDC's electric distribution system in a safe and reliable manner."
16. Section 467.70(e)(1)(D): Changed "as approved by the Commission" to "included in Appendix D".
17. Section 467.70(e)(2): In the 1<sup>st</sup> sentence, after "distribution", added "and transmission". Changed the 2<sup>nd</sup> sentence from "The study identifies and details the system impacts that interconnecting a new or revising an existing distributed generation facility to the distribution system would have on the electric distribution system if there are no distribution upgrades." to "This study identifies and sets forth in detail what system impacts interconnecting a new or revising an existing distributed generation facility to the distribution system would have on

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the electric distribution and transmission system, if there were no system upgrades."

18. Section 467.70(e)(2)(C): Changed "approved by the Commission" to "included as Appendix E".
19. Section 467.70(e)(3)(C): In the 1<sup>st</sup> sentence after "pay", added "any just and reasonable costs".
20. Section 467.70(e)(3)(E): Changed "approved by the Commission" to "included as Appendix F".
21. Section 467.90(c): Changed "law or State or federal regulations" to "State or federal law".
22. Appendix B: In the table after the heading "Equipment Contractor (if known)", changed "(Evening)" to "(Alternate)".
23. Appendix B: In the table after the heading "Existing Electric Service Information for Customer Facility Where Generator Will Be Interconnected", changed "If Three" to "(If customer-provided) Three".
24. Appendix B: In the table after the 1<sup>st</sup> heading "For Synchronous Machines", after "Model No." and "Version No.", added "(when available)", deleted "Torque: \_\_\_\_\_ lb/ft", deleted "Current: \_\_\_\_\_ Amps" and changed "Min. Operating Freq./Time" to "Min. Operating Freq.".
25. Appendix C: In Article 1, 1.7 in the 2<sup>nd</sup> sentence, changed "published" to "adopted".
26. Appendix C: In Article 2, 2.1, added as the 3<sup>rd</sup> and 4<sup>th</sup> sentences "The EDC's requirements for testing and inspection shall not constitute or be construed as conforming or endorsing the design. Nor are such inspections any warranty of safety, durability or reliability of the interconnection customer's distributed generation facility.".
27. Appendix C: Attachment 1, changed the definition of "Adverse system impact" from "A negative effect that compromises the safety or reliability of the electric distribution or transmission systems or materially affects the quality of electric

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service provided by the electric distribution company (EDC) to other customers." to "A negative effect that compromises the safety or reliability of electric distribution or transmission systems or that materially affects the quality of electric service provided to customers. An adverse system impact shall take into consideration all higher queued requests in all of the EDC's interconnection queues, whether transmission, distribution subject to the jurisdiction of the Commission, or distribution subject to the jurisdiction of another state regulatory authority.

28. Appendix C: Attachment 1, changed the 1<sup>st</sup> sentence of the definition of "Commissioning test" from "Tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts." to "A test applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts and performs to the submitted specifications."
29. Appendix C: Attachment 1, deleted the definition of "Distribution upgrades".
30. Appendix C: Attachment 1, in the 1<sup>st</sup> sentence of the definition of "Electric distribution system", after equipment, added "owned and operated by the EDC and".
31. Appendix C: Attachment 1, in the definition of "Interconnection request", changed "interconnection customer's" to "applicant's".
32. Appendix C: Attachment 1, added a definition of "System upgrade": "A required addition to the electric distribution or transmission system to accommodate the interconnection of the distributed generation facility. System upgrades do not include interconnection facilities."
33. Appendix C: Attachment 2, in the introductory sentence, deleted "is to be completed by the interconnection customer and".
34. Appendix D: In #8, after "Parties", added "or the complete study deposit has been received by the EDC, whichever is later."
35. Appendix D: Attachment A, in the introductory sentence, deleted "and agreed upon on     (Date)    ".

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36. Appendix D: Attachment A, changed the 2<sup>nd</sup> sentence from "Point of interconnection and configuration to be studied." to "Information concerning the point of interconnection and configuration to be studied that is not otherwise provided in the application."
37. Appendix E: In #7, after "Parties", added "or the complete study deposit has been received by the EDC, whichever is later."
38. Appendix E: Attachment A, in the 2<sup>nd</sup> sentence, after "studied", added "to the extent it is different from the information provided in the application or feasibility study".
39. Appendix F: In #6, in the 2<sup>nd</sup> sentence, after "Parties", added "or the complete study deposit has been received by the EDC, whichever is later".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Commission has previously adopted 83 Ill. Adm. Code 466, "Electric Interconnection of Distributed Generation Facilities" to implement Section 16-107.5 of the Public Utilities Act. Persons utilizing net metering under Section 16-107.5 of the Act and 83 Ill. Adm. Code 465 must interconnect with the electric utility's distribution system. Part 466 sets out the standards for the majority of interconnections that are likely to occur, but does not provide standards for interconnecting generation with capacity greater than 10 MVA. Part 467 provides standards for any interconnection that is not subject to Part 466, but is also not subject to the rules promulgated by the Federal Energy Regulatory Commission or subject to the rules of any Regional Transmission Organization that operates in Illinois.
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission

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527 East Capitol Avenue  
Springfield, IL 62701

217/785-3922

The full text of the Adopted Rules on the next page:

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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: ELECTRIC UTILITIESPART 467  
ELECTRIC INTERCONNECTION OF LARGE  
DISTRIBUTED GENERATION FACILITIES

## Section

467.10	Scope
467.20	Definitions and Incorporations by Reference
467.30	Waiver
467.40	Technical Standards
467.50	Interconnection Request Review
467.60	General Requirements
467.70	Interconnection Review Procedures
467.80	Disputes
467.90	Records
467.APPENDIX A	Certificate of Completion
467.APPENDIX B	Application
467.APPENDIX C	Contract
467.APPENDIX D	Interconnection Feasibility Study Agreement
467.APPENDIX E	Interconnection System Impact Study Agreement
467.APPENDIX F	Interconnection Facilities Study Agreement

**AUTHORITY:** Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5 and 10-101].

**SOURCE:** Adopted at 34 Ill. Reg. 3515, effective March 1, 2010.

**Section 467.10 Scope**

The Illinois Large Distributed Generation Interconnection Standard applies to any generation facility operated in parallel with an electric public utility distribution company in Illinois and whose nameplate capacity is greater than 10 MVA (large distributed generation facility), provided that the distributed generation facility is not subject to the interconnection requirements of either the Federal Energy Regulatory Commission (FERC) or the applicable Regional

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Transmission Organization (RTO) (either Midwest Independent Transmission System Operator, Inc. (MISO) or PJM Interconnection, LLC (PJM)).

**Section 467.20 Definitions and Incorporations by Reference**

Terms defined in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102] shall have the same meaning for purposes of this Part as they have under Section 5/16-102 of the Act, unless further defined in this Part. The following words and terms, when used in this Part, have the following meanings unless the context indicates otherwise:

"Act" means the Public Utilities Act [220 ILCS 5].

"Adverse system impact" means a negative effect that compromises the safety or reliability of the electric distribution or transmission systems or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

"Affected system" means an electric system, other than the EDC's distribution system with which the distributed generation facility is to be directly connected, that could suffer an adverse system impact from the proposed interconnection.

"Applicant" means a person (or entity) who has submitted an interconnection request to interconnect a distributed generation facility to an EDC's electric distribution system.

"Business day" means Monday through Friday, excluding State and federal holidays.

"Calendar day" means any day, including Saturdays, Sundays and State and federal holidays.

"Certificate of completion" means a certificate, in a form approved by the Commission, that contains information about the interconnection equipment to be used, its installation and local inspections (see Appendix A).

"Commissioning test" means tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts and performs to the submitted specifications.

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"Distributed generation facility" means the equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, a prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or local electric power system.

"Electric distribution company" or "EDC" means any electric utility subject to the jurisdiction of the Commission.

"Electric distribution system" means the facilities and equipment owned and operated by the EDC and used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas, but generally operate at less than 100 kilovolts of electricity. "Electric distribution system" has the same meaning as the term "Area EPS", as defined in Section 3.1.6.1 of IEEE Standard 1547.

"IEEE Standard 1547" is the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York NY 10016-5997, Standard 1547 (2003) "Standard for Interconnecting Distributed Resources with Electric Power Systems". This incorporation does not include any later amendments or editions.

"IEEE Standard 1547.1" is the IEEE Standard 1547.1 (2005) "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems". This incorporation does not include any later amendments or editions.

"Interconnection customer" means a person or entity that has a distributed generation facility interconnected to an electric distribution system.

"Interconnection equipment" means a group of components or an integrated system owned and operated by the interconnection customer that connects an electric generator with a local electric power system, as that term is defined in Section 3.1.6.2 of IEEE Standard 1547, or with the electric distribution system. Interconnection equipment is all interface equipment, including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

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"Interconnection facilities" means facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities and equipment between the distributed generation facility's interconnection equipment and the point of interconnection, including any modifications or additions necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include system upgrades.

"Interconnection request" means an applicant's request, in a form approved by the Commission, for interconnection of a new distributed generation facility or to change the capacity or other operating characteristics of an existing distributed generation facility already interconnected with the electric distribution system.

"Interconnection study" is any study described in Section 467.70.

"Local electric power system" means facilities that deliver electric power to a load that is contained entirely within a single premises or group of premises. Local electric power system has the same meaning as in Section 3.1.6.2 of IEEE Standard 1547.

"Nameplate capacity" is the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer and usually indicated on a nameplate physically attached to the power production equipment.

"Parallel operation" or "parallel" means a distributed generation facility that is connected electrically to the electric distribution system for longer than 100 milliseconds.

"Point of interconnection" means the point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in Section 3.1.13 of IEEE Standard 1547.

"Queue position" means the order an EDC receives a completed interconnection request relative to that specific EDC's other interconnection requests. It is

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established by the date that the EDC receives the completed interconnection request.

"Scoping meeting" means a meeting between representatives of the applicant and EDC conducted for the purpose of discussing interconnection issues and exchanging relevant information.

"Standard agreement for interconnection of distributed generation facilities with a capacity more than 10 MVA" means a standard interconnection agreement applicable to interconnection requests for large distributed generation facilities (see Appendix C).

"Witness test" means a verification by the EDC, either by on-site observation or review of documents, that the interconnection installation evaluation required by the applicable technical standards has been performed.

**Section 467.30 Waiver**

- a) The Commission, on application or petition of an EDC, distributed generation applicant or customer, or on its own motion, may grant a temporary or permanent waiver from this Part, or any Section or subsection of this Part, in individual cases in which the Commission finds that:
  - 1) the provision from which the waiver is granted is not statutorily mandated;
  - 2) no party will be injured by the granting of the waiver; and
  - 3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.
- b) The burden of proof in establishing a right to waiver shall be on the party seeking the waiver.

**Section 467.40 Technical Standards**

The EDC shall use relevant technical interconnection standards adopted by the applicable regional transmission organization (RTO). If such standards do not exist, the parties shall negotiate adjustments or modifications to IEEE Standard 1547 that are necessary due to electric system conditions or constraints, or to unique generator characteristics.

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**Section 467.50 Interconnection Request Review**

- a) Applicants seeking to interconnect a distributed generation facility, or to revise a distributed generation facility that has already been interconnected, shall submit an interconnection request to the EDC that owns the electric distribution system to which interconnection is sought. Applicants shall use interconnection request forms approved by the Commission. The EDC may require additional information from the Applicant if the EDC can demonstrate that the additional information is necessary in order for the EDC to conduct its review under this Part.
- b) The application fee is specified in the interconnection application form (see Appendix B).
- c) Interconnection requests may be submitted electronically, if agreed to by the parties.
- d) If the timelines provided in this Part cannot be met due to the unique characteristics of the proposed facility, parties shall negotiate timelines that differ from those established in this Part. Alternative timelines may be needed to account for project complexities, personnel requirements or other outside factors regarding a particular project. If a mutual agreement is not reached, parties may use the dispute resolution procedures in Section 467.80.

**Section 467.60 General requirements**

- a) When an interconnection request for a distributed generation facility includes multiple energy production devices at a site for which the applicant seeks a single point of interconnection, the interconnection request shall be evaluated on the basis of the aggregate nameplate capacity of the multiple devices.
- b) When an interconnection request is for an increase in capacity for an existing distributed generation facility, the interconnection request shall be evaluated on the basis of the new total nameplate capacity of the distributed generation facility.
- c) EDCs shall designate a point of contact and provide contact information on their websites. The point of contact shall be able to direct applicant questions concerning interconnection request submissions and the interconnection request process to knowledgeable individuals within the EDC.

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- d) The information that the EDC makes available to potential applicants can include prior EDC studies to help applicants understand whether it is feasible to interconnect a distributed generation facility at a particular point on the EDC's electric distribution system. However, the EDC can refuse to provide the information to the extent that providing it violates security requirements or confidentiality agreements, or is contrary to State or federal law. In appropriate circumstances, the EDC may require a confidentiality agreement prior to release of this information. If the EDC refuses to provide the requested information, it shall give written notice to the applicant requesting the information, which shall include the specific reasons that preclude sharing the requested information.
- e) After an interconnection request is deemed complete by the EDC, any modification that is not agreed to by the EDC requires submission of a new interconnection request.
- f) When an applicant is not currently a customer of the EDC at the proposed site, the applicant shall provide, upon EDC request, proof of the applicant's legal right to control the site, evidenced by the applicant's name on a property tax bill, deed, lease agreement or other legally binding contract.
- g) The EDC or the applicant may propose a single point of interconnection for multiple distributed generation facilities located at an interconnection customer site that is on contiguous property. If the applicant rejects the EDC's proposal for a single point of interconnection, the applicant shall pay any additional cost to provide a separate point of interconnection for each distributed generation facility. If the EDC, without written technical explanation, rejects the customer's proposal for a single point of interconnection, the EDC shall pay any additional study cost to provide separate points of interconnection for each distributed generation facility.
- h) The interconnection customer shall allow the EDC to isolate the distributed generation facility. The interconnection customer shall permit the EDC to affix a placard in a location of its choosing that provides instructions to EDC operating personnel for accessing the isolation device. If the EDC needs to isolate the distributed generation facility, the EDC shall not be held liable for any damages resulting from the actions necessary to isolate the generation facility. Isolation device specifications shall be established through the study review procedures at Section 467.70.

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- i) Any metering required for a distributed generation interconnection shall be installed, operated and maintained in accordance with applicable EDC tariffs and agreements. Metering requirements must be identified in the distributed generation interconnection agreement executed between the interconnection customer and the EDC.
- j) Monitoring and control requirements shall be consistent with the EDC's published requirements, which shall be consistent with industry standards, and shall be clearly identified in the interconnection agreement between the interconnection customer and the EDC. Transfer trip shall not be considered EDC monitoring and control when required and installed to protect the electric distribution system or an affected system against adverse system impacts.
- k) The EDC may require a witness test after the distributed generation facility is constructed or after the revisions are completed. The applicant shall provide the EDC with at least 15 business days notice of a planned witness test for the distributed generation facility. The applicant and EDC shall schedule the witness test at a mutually agreeable time. Any disputes between the parties as to what constitutes a witness test shall be resolved under Section 467.80. If the distributed generation facility does not satisfactorily pass the witness test, the applicant shall be granted 30 business days after the date of the witness test or dispute resolution to address and resolve any deficiencies. The time period for addressing and resolving any deficiencies may be extended upon the mutual agreement of the EDC and the applicant prior to the end of the 30 business days. An initial request for extension shall not be denied by the EDC; subsequent requests may be denied. If the applicant fails to address and resolve the deficiencies to the EDC's satisfaction, the interconnection request shall be deemed withdrawn. Even if the EDC or an entity approved by the EDC does not witness a commissioning test, the applicant remains obligated to satisfy the EDC's interconnection test specifications and requirements.
- l) When an interconnection request is for modifications to an existing distributed generation facility, the EDC shall review the interconnection request to determine if any studies are necessary. If no studies are necessary, the EDC shall inform the applicant that the requested revisions are acceptable and can proceed without further analysis by the EDC. The provisions of this Part shall continue to apply to any revisions made to the existing distributed generation facility.

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**Section 467.70 Interconnection Review Procedures**

- a) The applicant shall submit an interconnection request using Appendix B, along with the application fee specified in Appendix B.
- b) Within 10 business days after receipt of an interconnection request, the EDC shall notify the applicant whether the request is complete. When the interconnection request is not complete, the EDC shall provide the applicant with a written list detailing the information required to complete the interconnection request. When additional information is required and reasonable, the applicant and the EDC shall agree on a schedule to provide the required information or the interconnection request is considered withdrawn. The parties may agree to extend the time for receipt of the additional information. The interconnection request is deemed complete when the required information has been provided by the applicant, or the parties have agreed that the applicant may provide additional information at a later time.
- c) The queue position of an interconnection request is used to determine the cost responsibility for the system upgrades and interconnection facilities necessary to accommodate the interconnection. The EDC shall notify the applicant as to its queue position.
  - 1) If the applicant amends the interconnection request in a manner that requires the EDC re-study the feasibility or impact of the interconnection, the interconnection request shall receive a new queue position based on the date that it was amended.
  - 2) If an EDC determines that other interconnection requests may affect the same facilities on its electric distribution system or transmission system as the distributed generation facility either proposed or being revised in an applicant's interconnection request, the EDC may study these requests together without regard to their queue position. If an EDC considers interconnection requests together because they both affect the same facilities on the electric distribution system or on transmission networks, the EDC shall notify the applicant of that fact at the time studies are initiated. If the EDC considers two or more interconnection requests together, estimated costs allocated to each applicant shall not exceed the estimated cost associated with the interconnection request had the EDC reviewed the interconnection requests in sequence.

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- d) After the interconnection request has been assigned a queue position, the following procedures shall be followed to determine how a study review shall be conducted:
- 1) The EDC shall offer the applicant the related study agreement forms included in Appendices C, D, and E. By mutual agreement of the parties, the scoping meeting, interconnection feasibility study, interconnection system impact study, or interconnection facilities study provided for in a study review and discussed in this Section may be waived or combined.
  - 2) A scoping meeting shall be held no later than 10 business days, or on a mutually agreed upon date and time, after the EDC had notified the applicant that the applicant has provided all the necessary information. The meeting's purpose is to review the interconnection request and existing studies relevant to the interconnection request.
  - 3) When the parties agree that an interconnection feasibility study shall be performed, the EDC shall provide to the applicant, no later than 10 business days after the parties' agreement or, if held, the scoping meeting, an interconnection feasibility study agreement (see Appendix D). The interconnection feasibility study agreement shall include an outline for the scope of the study and the study's estimated cost. If the applicant does not sign and return the study agreement within 25 business days, the application shall be deemed withdrawn and the queue position shall be forfeited.
  - 4) When the parties agree that an interconnection system impact study shall be performed, the EDC shall provide to the applicant, no later than 10 business days after the parties' agreement, an interconnection system impact study agreement (see Appendix E). The interconnection system impact study agreement shall include an outline for the study's scope and the study's estimated cost. If the applicant does not sign and return the study agreement within 25 business days, the application shall be deemed withdrawn and the queue position shall be forfeited.
  - 5) When the parties agree that an interconnection facilities study shall be performed, the EDC shall provide to the applicant, no later than 10 business days after parties' agreement, an interconnection facilities study

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agreement (see Appendix F). The interconnection facilities study agreement shall include an outline for the study's scope and the study's estimated cost. If the applicant does not sign and return the study agreement within 25 business days, the application shall be deemed withdrawn and the queue position shall be forfeited.

- 6) Interconnection studies that the EDC conducts shall consider all other distributed generation facilities that, on the date the interconnection study is commenced, are directly interconnected with the EDC's electric distribution system, have a higher queue position than the request being studied, or have a valid and active interconnection agreement.
  - 7) If the applicant signs and returns an interconnection study agreement, but subsequently notifies the EDC that it will not continue with its proposed large distributed generation facility project for any reason, the EDC need not complete the study or provide the applicant with study results.
- e) The following guidelines shall govern all required interconnection studies:
- 1) An interconnection feasibility study shall include analyses to identify potential adverse system impacts that would result from the proposed interconnection.
    - A) The interconnection feasibility study shall include pertinent elements from among the following:
      - i) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;
      - ii) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection;
      - iii) Initial review of grounding requirements and system protection;
      - iv) Description of and nonbinding estimated cost of facilities required to interconnect the distributed generation facility to the EDC's electric distribution system in a safe and reliable manner; and

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- v) Description of, and nonbinding estimated cost of, facilities required to interconnect the distributed generation facility to the EDC's electric distribution system in a safe and reliable manner.
  - B) If an applicant requests that the interconnection feasibility study evaluates multiple potential points of interconnection, additional evaluations may be required. Additional evaluations shall be paid for by the applicant.
  - C) An interconnection system impact study is not required when the interconnection feasibility study concludes that there is no adverse system impact, or when the study identifies an adverse system impact, but the EDC is able to identify a remedy without the need for an interconnection system impact study.
  - D) The parties shall use an interconnection feasibility study agreement, included as Appendix D, unless both parties agree to use an alternative form.
- 2) An interconnection system impact study evaluates the impact of the proposed interconnection on both the safety and reliability of the EDC's electric distribution and transmission system. This study identifies and sets forth in detail what system impacts interconnecting a new or revising an existing distributed generation facility to the distribution system would have on the electric distribution and transmission system, if there were no system upgrades.
- A) A distribution interconnection system impact study shall be performed when a potential adverse system impact is identified in the interconnection feasibility study. The interconnection system impact study shall include pertinent elements from among the following:
    - i) A load flow study;
    - ii) Identification of affected systems;

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- iii) A short-circuit analysis;
  - iv) An analysis of equipment interrupting ratings;
  - v) A protection coordination study;
  - vi) Voltage drop and flicker studies;
  - vii) A stability analysis;
  - viii) Grounding reviews;
  - ix) Impact on system operation; and
  - x) Alternatives for mitigating adverse system impacts on affected systems.
- B) The final interconnection system impact study report shall provide the following:
- i) The underlying assumptions of the study;
  - ii) The results of the analyses;
  - iii) A list of any potential impediments to providing the requested interconnection service;
  - iv) Required system upgrades; and
  - v) A non-binding estimate of cost and time to construct any required system upgrades.
- C) The parties shall use an interconnection impact study agreement, included as Appendix E, unless both parties agree to use an alternative form.
- 3) The interconnection facilities study shall be conducted as follows:

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- A) The interconnection facilities study shall estimate the cost of the equipment, engineering, procurement and construction work, including overheads, needed to implement the conclusions of the interconnection feasibility study and the interconnection system impact study. The interconnection facilities study shall identify:
- i) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment;
  - ii) The nature and estimated cost of the EDC's interconnection facilities and system upgrades necessary to accomplish the interconnection; and
  - iii) An estimate for the time required to complete the construction and installation of the facilities.
- B) The EDC may agree to permit an applicant to arrange for a third party to design and construct the required interconnection facilities. In such a case, the EDC shall make all relevant information and required specifications available to the applicant to permit the applicant to obtain an independent design and cost estimate for the facilities, which shall be built in accordance with the EDC's specifications. The applicant shall ensure that any third party with whom it shares the EDC's relevant information and required specifications shall comply with applicable security and confidentiality requirements.
- C) Upon completion of the interconnection facilities study, and after the applicant agrees to pay any just and reasonable costs for the interconnection facilities and system upgrades identified in the interconnection facilities study, the EDC shall provide to the applicant a standard distributed generation interconnection agreement (see Appendix C) for the applicant to sign. The applicant has 10 business days to sign the agreement or the application is deemed withdrawn.
- D) In the event that system upgrades are identified in the impact study that shall be added only in the event that higher-queued customers

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not yet interconnected eventually complete and interconnect their generation facilities, the applicant may elect to interconnect without paying for such upgrades at the time of the interconnection, provided that it agrees to pay for the upgrades at the time the higher-queued customer is ready to interconnect. If the applicant does not pay for the upgrades at that time, the EDC shall require the applicant to immediately disconnect its distribution generation facility to accommodate the higher-queued customer.

- E) The parties shall use an interconnection facilities study agreement, included as Appendix F, unless both parties agree to use an alternative form.
- f) When an EDC determines that it is appropriate to interconnect the distributed generation facility, the EDC shall provide the applicant with a standard distributed generation interconnection agreement. If the interconnection request is denied, the EDC shall provide the applicant with a written explanation as to its reasons for denying interconnection. If the EDC's written explanation demonstrates that the interconnection request was denied for valid reasons, the interconnection request does not retain its queue position.
- g) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall provide all necessary information required of the applicant by the agreement. The EDC shall develop all other information required of the EDC by the agreement. After completing the agreement, the applicant shall sign and return the agreement to the EDC. If the applicant does not sign and return the agreement within 30 business days after its completion, the interconnection request shall be deemed withdrawn, unless the applicant requests in writing to have the deadline extended by no more than 15 business days. The initial request for extension may not be denied by the EDC. If the applicant does not sign the agreement after the 15 business day extension, the interconnection request shall be deemed withdrawn unless a further extension is agreed to by the parties. If withdrawn, the interconnection request does not retain its queue position. When construction is required, the interconnection of the distributed generation facility shall proceed according to milestones agreed to by the parties in the distributed generation interconnection agreement.
- h) The distributed generation interconnection agreement is not final until:

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- 1) The requirements of the interconnection agreement are satisfied; and
- 2) The distributed generation facility is approved by any electric code officials with jurisdiction over the interconnection; and
- 3) The applicant provides a certificate of completion (see Appendix A) to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and
- 4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix C.

**Section 467.80 Disputes**

- a) A party shall attempt to resolve all disputes regarding interconnection in good faith. A party shall provide prompt written notice of the existence of the dispute, including sufficient detail to identify the scope of the dispute, to the other party in order to attempt to resolve the dispute.
- b) An informal meeting or conference call between the parties shall be held within 10 business days after receipt of the written notice. Persons with decision-making authority from each party shall attend the meeting. In the event the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each party shall also attend the informal meeting. If parties agree, the meeting may be conducted by teleconference.
- c) Subsequent to the informal meeting referred to in subsection (b), a party may seek resolution of any disputes through the complaint or mediation procedures available at the Consumer Services Division (CSD) of the Commission. Dispute resolution at the Commission will be initially conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. If no resolution is reached after informal discussions, either party may file a formal complaint with the Commission.
- d) Pursuit of dispute resolution shall not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

**Section 467.90 Records**

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- a) An EDC shall maintain the following records for a minimum of three years:
  - 1) The total number of and the nameplate capacity of the completed interconnection requests received, approved and denied; and
  - 2) The fuel type, total number and nameplate capacity of distributed generation facilities approved.
- b) An EDC shall provide a public report to the Commission containing the information required in subsection (a) within 90 calendar days after the close of each calendar year. An electronic version, in a legible 12 point font size in PDF (Adobe Acrobat Portable Document Format) shall be delivered to the Commission's offices on CDs (Compact Discs) or DVDs (Digital Video Discs and Digital Versatile Discs). If the computerized version cannot be directly converted from the word processing document, and must therefore be scanned from paper, it shall be saved in a PDF that includes both image and text to allow indexing.
- c) Each EDC shall retain copies of studies it performs to determine the feasibility of, system impacts of, or facilities required by the interconnection of any distributed generation facility. The EDC shall provide the applicant copies of any studies performed in analyzing the applicant's interconnection request, upon applicant request. However, an EDC has no obligation to provide any future applicants any information regarding prior interconnection requests to the extent that the information would violate security requirements or confidentiality agreements, or is contrary to State or federal law.

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**Section 467.APPENDIX A Certificate of Completion**

**Certificate of Completion  
(To be completed and returned to the EDC when installation is complete  
and final electric inspector approval has been obtained<sup>1</sup>)**

**Interconnection Customer Information**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone (Primary): \_\_\_\_\_ (Alternate): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Installer**

Check if owner-installed

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone (Primary): \_\_\_\_\_ (Alternate): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Final Electric Inspection and Interconnection Customer Signature**

The distributed generation facility is complete and has been approved by the local electric inspector having jurisdiction. A signed copy of the electric inspector's form indicating final approval is attached. The interconnection customer acknowledges that it shall not operate the

<sup>1</sup> Prior to interconnected operation, the interconnection customer is required to complete this form and return it to the EDC. Use contact information provided on the EDC's web page for generator interconnection to obtain mailing address/fax number/e-mail address.

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distributed generation facility until receipt of the final acceptance and approval by the EDC as provided below.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Signature of interconnection customer)*

Printed Name: \_\_\_\_\_

Check if copy of signed electric inspection form is attached

Check if copy of as-built documents is attached

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**Acceptance and Final Approval for Interconnection (for EDC use only)**

The interconnection agreement is approved and the distributed generation facility is approved for interconnected operation upon the signing and return of this Certificate of Completion by EDC:

Electric Distribution Company waives Witness Test? (*Initial*) Yes  No

If not waived, date of successful Witness Test: \_\_\_\_\_ Passed: (*Initial*) \_\_\_\_\_

EDC Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

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**Section 467.APPENDIX B Application**

**Large Interconnection Request Application Form  
(Greater than 10 MVA)**

**Applicant Contact Information**

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone (Primary): \_\_\_\_\_ (Alternate): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Alternative or Designated Representative Contact Information**

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone (Primary): \_\_\_\_\_ (Alternate): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Distributed Generation Facility Information**

Project Name: \_\_\_\_\_  
Facility Address: \_\_\_\_\_  
City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Electric Distribution Company (EDC) serving Facility site: \_\_\_\_\_  
Electric Supplier (if different from EDC): \_\_\_\_\_  
Account Number of Facility site (existing EDC customers): \_\_\_\_\_  
Inverter Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_

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**Equipment Contractor (if known):**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone (Primary): \_\_\_\_\_ (Alternate): \_\_\_\_\_

Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Electrical Contractor (if known):**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone (Primary): \_\_\_\_\_ (Alternate): \_\_\_\_\_

Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

License number: \_\_\_\_\_

**Existing Electric Service Information for Customer Facility Where Generator Will Be Interconnected**

Check here if there is no existing electric service at the site

Capacity: \_\_\_\_\_ (Amps) Voltage: \_\_\_\_\_ (Volts)

Type of Service:  Single Phase  Three Phase

(If customer-provided) Three Phase Transformer, Indicate Type:

Primary Winding  Wye  Delta

Secondary Winding  Wye  Delta

Transformer Size: \_\_\_\_\_ Impedance: \_\_\_\_\_

Point of Interconnection – Brief Description and Address of the Distributed Generation

Location: \_\_\_\_\_

**Intent of Generation (check all that apply):**

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- Offset Load (Unit will operate in parallel, but will not export power to EDC)
- Back-up Generation (Units that temporarily operate in parallel with the electric distribution system for more than 100 milliseconds)
- Qualified Facility ("QF") under PURPA
- Other, please describe: \_\_\_\_\_

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an interconnection agreement.

**Generator & Prime Mover Information**

ENERGY SOURCE (Hydro, Wind, Solar, Process Byproduct, Biomass, Oil, Natural Gas, Coal, etc.):		
ENERGY CONVERTER TYPE (Wind Turbine, Photovoltaic Cell, Fuel Cell, Steam Turbine, etc.):		
GENERATOR SIZE:	NUMBER OF UNITS:	TOTAL CAPACITY:
<input type="checkbox"/> kW or <input type="checkbox"/> kVA		<input type="checkbox"/> kW or <input type="checkbox"/> kVA
GENERATOR TYPE (Check one):		
<input type="checkbox"/> Induction	<input type="checkbox"/> Inverter	<input type="checkbox"/> Synchronous
<input type="checkbox"/> Other _____		



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Salient       Non-Salient

Rated RPM: \_\_\_\_\_ Field Amperes: \_\_\_\_\_ at rated generator  
voltage and current and \_\_\_\_\_ % PF over-excited

Type of Exciter: \_\_\_\_\_

Output Power of Exciter: \_\_\_\_\_

Type of Voltage Regulator: \_\_\_\_\_ Locked Rotor

Synchronous Speed: \_\_\_\_\_ RPM

Winding Connection: \_\_\_\_\_ Min. Operating Freq: \_\_\_\_\_

Generator Connection:     Delta       Wye       Wye Grounded

Direct-axis Synchronous Reactance:      (Xd) \_\_\_\_\_ ohms

Direct-axis Transient Reactance:      (X'd) \_\_\_\_\_ ohms

Direct-axis Sub-transient Reactance:      (X''d) \_\_\_\_\_ ohms

Negative Sequence Reactance: \_\_\_\_\_ ohms

Zero Sequence Reactance: \_\_\_\_\_ ohms

Neutral Impedance or Grounding Resister (if any): \_\_\_\_\_ ohms

**For Induction Machines:**

Manufacturer: \_\_\_\_\_

Model No.: \_\_\_\_\_ Version No.: \_\_\_\_\_

Locked Rotor Current: \_\_\_\_\_ Amps

Rotor Resistance (Rr): \_\_\_\_\_ ohms    Exciting Current: \_\_\_\_\_ Amps

Rotor Reactance (Xr): \_\_\_\_\_ ohms    Reactive Power Required: \_\_\_\_\_

Magnetizing Reactance (Xm): \_\_\_\_\_ ohms    \_\_\_\_\_ VARs (No Load)

Stator Resistance (Rs): \_\_\_\_\_ ohms    \_\_\_\_\_ VARs (Full Load)

Stator Reactance (Xs): \_\_\_\_\_ ohms

Short Circuit Reactance (X''d): \_\_\_\_\_ ohms

Phases:       Single     Three Phase

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Frame Size: \_\_\_\_\_ Design Letter: \_\_\_\_\_ Temp. Rise: \_\_\_\_\_ °C.

**Reverse Power Relay Information**

Manufacturer: \_\_\_\_\_

Relay Type: \_\_\_\_\_ Model Number: \_\_\_\_\_

Reverse Power Setting: \_\_\_\_\_

Reverse Power Time Delay (if any): \_\_\_\_\_

**Additional Information for Inverter-Based Facilities****Inverter Information:**

Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_

Type:  Forced Commutated  Line Commutated

Rated Output: \_\_\_\_\_ Watts \_\_\_\_\_ Volts

Efficiency: \_\_\_\_\_ % Power Factor: \_\_\_\_\_ %

Inverter UL 1741 Listed:  Yes  No**DC Source / Prime Mover:**

Rating: \_\_\_\_\_ kW Rating: \_\_\_\_\_ kVA

Rated Voltage: \_\_\_\_\_ Volts

Open Circuit Voltage (if applicable): \_\_\_\_\_ Volts

Rated Current: \_\_\_\_\_ Amps

Short Circuit Current (if applicable): \_\_\_\_\_ Amps

**Dedicated Transformer (applicant owned):**

Rating: \_\_\_\_\_ MVA

Voltage Ratio: \_\_\_\_\_ / \_\_\_\_\_ kV

Fixed Tap Setting: \_\_\_\_\_

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Winding connections: \_\_\_\_\_

Impedance: \_\_\_\_\_ % based on transformer rating

**Capacitor Banks:**

Type: \_\_\_\_\_

Size: \_\_\_\_\_ MVAR

**Other Facility Information:**

One Line Diagram attached:  Yes

Plot Plan attached:  Yes

Comments or additional information: \_\_\_\_\_

**Customer Signature**

I hereby certify that all of the information provided in this Interconnection Request Application Form is true.

Applicant Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

An application fee must be submitted before the application can be processed. The application fee is \$15,000 for all Large (>10 MVA) Distributed Generation Facilities. Of the total application fee, \$5,000 is nonrefundable, while the EDC shall apply the remaining \$10,000 toward any subsequent studies related to this application.

**EDC Acknowledgement**

Receipt of the application and fee is acknowledged. This acknowledgement does not preclude the requirement to furnish additional information by the applicant if requested by the EDC when it is necessary for the EDC's review under these procedures. When this interconnection request is deemed complete by the EDC, the EDC shall notify the interconnection customer in writing.

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EDC Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

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**Section 467.APPENDIX C Contract****STANDARD AGREEMENT FOR INTERCONNECTION  
OF DISTRIBUTED GENERATION FACILITIES WITH A  
CAPACITY MORE THAN 10 MVA**

This agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between \_\_\_\_\_ ("interconnection customer"), as an individual person, or as a \_\_\_\_\_ organized and existing under the laws of the State of \_\_\_\_\_ and \_\_\_\_\_, ("Electric Distribution Company" (EDC)), a \_\_\_\_\_ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

**Recitals:**

**Whereas**, interconnection customer is proposing to install or direct the installation of a distributed generation facility, or is proposing a generating capacity addition to an existing distributed generation facility, consistent with the interconnection request application form completed by interconnection customer on \_\_\_\_\_ (Date) and included in this Agreement as Attachment 9; and

**Whereas**, the interconnection customer will operate and maintain, or cause the operation and maintenance of, the distributed generation facility; and

**Whereas**, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system.

**Now, therefore**, in consideration of the premises and mutual covenants set forth in this Agreement, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

**Article 1. Scope and Limitations of Agreement**

- 1.1 This Agreement shall be used for all approved interconnection requests for distributed generation facilities that are greater than 10 MVA according to the procedures set forth in Part 467 of the Commission's rules (83 Ill. Adm. Code 467) (referred to as the Illinois Large Distributed Generation Interconnection Standard).

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- 1.2 This Agreement governs the terms and conditions under which the distributed generation facility will interconnect to, and operate in parallel with, the EDC's electric distribution system.
- 1.3 This Agreement does not constitute an agreement to purchase or deliver the interconnection customer's power.
- 1.4 Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.
- 1.5 Terms used in this Agreement are defined in Attachment 1 to this Agreement, unless otherwise noted.
- 1.6 Responsibilities of the Parties
  - 1.6.1 The Parties shall perform all obligations of this Agreement in accordance with all applicable laws and regulations.
  - 1.6.2 The EDC shall construct, own, operate, and maintain its interconnection facilities in accordance with this Agreement.
  - 1.6.3 The interconnection customer shall construct, own, operate, and maintain its distributed generation facility and interconnection facilities in accordance with this Agreement.
  - 1.6.4 Each Party shall operate, maintain, repair, and inspect, and shall be fully responsible for, the facilities that it now or subsequently may own unless otherwise specified in the attachments to this Agreement. Each Party shall be responsible for the safe installation, maintenance, repair and condition of its respective lines and appurtenances on its respective sides of the point of interconnection.
  - 1.6.5 The interconnection customer agrees to design, install, maintain and operate its distributed generation facility so as to minimize the likelihood of causing an adverse system impact on the electric distribution system or any other electric system that is not owned or operated by the EDC.
- 1.7 Parallel Operation Obligations

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Once the distributed generation facility has been authorized to commence parallel operation, the interconnection customer shall abide by all operating procedures established by the applicable technical standards. The EDC shall use relevant technical standards adopted by the applicable regional transmission organization (RTO). If such standards do not exist, the parties shall negotiate adjustments or modifications to the IEEE 1547 technical standard necessary due to electric system conditions or constraints, or to unique generator characteristics. The EDC shall provide the interconnection customer with a written explanation for any departure from parallel operation obligations contained in the published technical standard.

1.8 Metering and Data Acquisition Equipment

The interconnection customer shall be responsible for the cost to purchase, install, operate, maintain, test, repair, and replace metering and data acquisition equipment specified in Attachments 6 and 7 of this Agreement.

1.9 Reactive Power

1.9.1 The interconnection customers shall design their distributed generation facilities to maintain a power factor at the point of interconnection between .95 lagging and .95 leading at all times.

1.9.2 Any EDC requirements for meeting a specific voltage or specific reactive power schedule as a condition for interconnection shall be clearly specified in Attachment 4. Under no circumstance shall the EDC's additional requirements for voltage or reactive power schedules exceed the normal operating capabilities of the distributed generation facility.

1.9.3 If the interconnection customer does not operate the distributed generation facility within the power factor range specified in Attachment 4, or does not operate the distributed generation facility in accordance with a voltage or reactive power schedule specified in Attachment 4, the interconnection customer is in default, and the terms of Article 6.5 apply.

1.10 Standards of Operations

The interconnection customer shall obtain all certifications, permits, licenses and approvals necessary to construct, operate and maintain the facility and to perform its obligations under this Agreement. The interconnection customer is responsible for coordinating and synchronizing the distributed generation facility with the EDC's system. The interconnection customer is responsible for any damage that is caused by the

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interconnection customer's failure to coordinate or synchronize the distributed generation facility with the electric distribution system. The interconnection customer agrees to be primarily liable for any damages resulting from the continued operation of the distributed generation facility after the EDC ceases to energize the line section to which the distributed generation facility is connected. In Attachment 4, the EDC shall specify the shortest reclose time setting for its protection equipment that could affect the distributed generation facility. The EDC shall notify the interconnection customer at least 10 business days prior to adopting a faster reclose time on any automatic protective equipment such as a circuit breaker or line recloser, that might affect the distributed generation facility.

**Article 2.     **Inspection, Testing, Authorization, and Right of Access******2.1     Equipment Testing and Inspection**

The interconnection customer shall test and inspect its distributed generation facility including the interconnection equipment prior to interconnection in accordance with EDC requirements. The interconnection customer shall not operate its distributed generation facility in parallel with the EDC's electric distribution system without prior written authorization by the EDC as provided for in Articles 2.1.1-2.1.3. The EDC's requirements for testing and inspection shall not constitute or be construed as conforming or endorsing the design. Nor are such inspections any warranty of safety, durability or reliability of the interconnection customer's distributed generation facility.

2.1.1     The EDC shall perform a witness test after construction of the distributed generation facility is completed, but before parallel operation, unless the EDC specifically waives the witness test. The interconnection customer shall provide the EDC at least 15 business days notice of the planned commissioning test for the distributed generation facility. If the EDC performs a witness test at a time that is not concurrent with the commissioning test, it shall contact the interconnection customer to schedule the witness test at a mutually agreeable time. If the EDC does not perform the witness test within 10 business days after the commissioning test, the witness test is deemed waived unless the Parties mutually agree to extend the date for scheduling the witness test, or unless the EDC cannot do so for good cause, in which case, the Parties shall agree to another date for scheduling the test. If the witness test is not acceptable to the EDC, the interconnection customer has 30 business days to address and resolve any deficiencies. This time period may be extended upon agreement between the EDC and the interconnection customer. If the interconnection customer fails to address and resolve the deficiencies to the satisfaction of the EDC, the applicable cure

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provisions of Article 6.5 shall apply. The interconnection customer shall, if requested by the EDC, provide a copy of documentation in its possession regarding testing.

2.1.2 If the interconnection customer conducts interim testing of the distributed generation facility prior to the witness test, the interconnection customer shall obtain permission from the EDC before each occurrence of operating the distributed generation facility in parallel with the electric distribution system. The EDC may, at its own expense, send qualified personnel to the distributed generation facility to observe such interim testing, but it cannot mandate that these tests be considered in the final witness test. The EDC is not required to observe the interim testing or precluded from requiring the tests be repeated at the final witness test.

2.1.3 After the distributed generation facility passes the witness test, the EDC shall affix an authorized signature to the certificate of completion and return it to the interconnection customer approving the interconnection and authorizing parallel operation. The authorization shall not be conditioned or delayed.

2.2 Commercial Operation

The interconnection customer shall not operate the distributed generation facility, except for interim testing as provided in Article 2.1, until such time as the certificate of completion is signed by all Parties.

2.3 Right of Access

The EDC shall have access to the disconnect switch and metering equipment of the distributed generation facility at all times. When practical, the EDC shall provide notice to the interconnection customer prior to using its right of access.

**Article 3. Effective Date, Term, Termination, and Disconnection**

3.1 Effective Date

This Agreement shall become effective upon execution by all Parties and the effective date shall be the date noted in the first paragraph of this Agreement.

3.2 Term of Agreement

This Agreement shall remain in effect unless terminated in accordance with Article 3.3 of this Agreement.

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## 3.3 Termination

3.3.1 The interconnection customer may terminate this Agreement at any time by giving the EDC 30 calendar days prior written notice.

3.3.2 Either Party may terminate this Agreement after default pursuant to Article 6.5.

3.3.3 The EDC may terminate upon 60 calendar days' prior written notice for failure of the interconnection customer to complete construction of the distributed generation facility within 12 months after the in-service date as specified by the Parties in Attachment 2, which may be extended by agreement between the Parties.

3.3.4 The EDC may terminate this Agreement, upon 60 calendar days' prior written notice, if the interconnection customer has abandoned, cancelled, permanently disconnected or stopped development, construction, or operation of the distributed generation facility for a period of 60 calendar days or longer or if the interconnection customer fails to operate the distributed generation facility in parallel with the EDC's electric system for three consecutive years.

3.3.5 Upon termination of this Agreement, the distributed generation facility will be disconnected from the EDC's electric distribution system. Terminating this Agreement does not relieve either Party of its liabilities and obligations that are due or continuing when the Agreement is terminated.

3.3.6 If the Agreement is terminated, the interconnection customer loses its queue position.

## 3.4 Temporary Disconnection

A Party may temporarily disconnect the distributed generation facility from the electric distribution system in the event one or more of the following conditions or events occurs:

3.4.1 Emergency conditions – shall mean any condition or situation: (1) that in the judgment of the Party making the claim is likely to endanger life or property; or (2) that the EDC determines is likely to cause an adverse system impact, or is likely to have a material adverse effect on the EDC's electric distribution system, interconnection facilities or other facilities, or it is likely to interrupt or materially interfere with the provision of electric utility service to other customers; or (3) that is likely to cause a material adverse effect on the distributed generation

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facility or the interconnection equipment. Under emergency conditions, the EDC or the interconnection customer may suspend interconnection service and temporarily disconnect the distributed generation facility from the electric distribution system. The EDC must notify the interconnection customer when it becomes aware of any conditions that might affect the interconnection customer's operation of the distributed generation facility. The interconnection customer shall notify the EDC when it becomes aware of any condition that might affect the EDC's electric distribution system. To the extent information is known, the notification shall describe the condition, the extent of the damage or deficiency, the expected effect on the operation of both Parties' facilities and operations, its anticipated duration, and the necessary corrective action.

- 3.4.2 Scheduled maintenance, construction, or repair – the EDC may interrupt interconnection service or curtail the output of the distributed generation facility and temporarily disconnect the distributed generation facility from the EDC's electric distribution system when necessary for scheduled maintenance, construction, or repairs on EDC's electric distribution system. To the extent possible, the EDC shall provide the interconnection customer with notice five business days before an interruption. The EDC shall coordinate the reduction or temporary disconnection with the interconnection customer; however, the interconnection customer is responsible for out-of-pocket costs incurred by the EDC for deferring or rescheduling maintenance, construction or repair at the interconnection customer's request.
- 3.4.3 Forced outages – The EDC may suspend interconnection service to repair the EDC's electric distribution system. The EDC shall provide the interconnection customer with prior notice, if possible. If prior notice is not possible, the EDC shall, upon written request, provide the interconnection customer with written documentation, after the fact, explaining the circumstances of the disconnection.
- 3.4.4 Adverse system impact – the EDC must provide the interconnection customer with written notice of its intention to disconnect the distributed generation facility, if the EDC determines that operation of the distributed generation facility creates an adverse system impact. The documentation that supports the EDC's decision to disconnect must be provided to the interconnection customer. The EDC may disconnect the distributed generation facility if, after receipt of the notice, the interconnection customer fails to remedy the adverse system impact, unless emergency conditions exist, in which case, the provisions of Article 3.4.1 apply.

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The EDC may continue to leave the generating facility disconnected until the adverse system impact is corrected.

- 3.4.5 Modification of the distributed generation facility – The interconnection customer must receive written authorization from the EDC prior to making any change to the distributed generation facility, other than a minor equipment modification. If the interconnection customer modifies its facility without the EDC's prior written authorization, the EDC has the right to disconnect the distributed generation facility until such time as the EDC concludes, at the interconnection customer's cost, the modification poses no threat to the safety or reliability of its electric distribution system.
- 3.4.6 The EDC is not responsible for any lost opportunity or other costs incurred by the interconnection customer as a result of an interruption of service under Article 3.

**Article 4. Cost Responsibility for Interconnection Facilities and System Upgrades****4.1 Interconnection Facilities**

- 4.1.1 The interconnection customer shall pay for, and/or reimburse the EDC, as applicable, for, the cost of the interconnection facilities itemized in Attachment 3. The EDC shall identify the interconnection facilities necessary to interconnect the distributed generation facility with the EDC's electric distribution system, the estimated cost of those facilities, and the estimated time required to build and install those facilities, as well as an estimated date of completion of the building or installation of these facilities.
- 4.1.2 The interconnection customer is responsible for its expenses, including overheads, associated with owning, operating, maintaining, repairing, and replacing its interconnection equipment.

**4.2 System Upgrades**

The EDC shall design, procure, construct, install, and own any system upgrades. The actual cost of the system upgrades, including overheads, shall be directly assigned to, and shall be paid by, and/or reimbursed by, the interconnection customer whose distributed generation facility caused the need for the system upgrades.

**Article 5. Billing, Payment, Milestones, and Financial Security**

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## 5.1 Billing and Payment Procedures and Final Accounting

- 5.1.1 The EDC shall bill the interconnection customer for the design, engineering, construction, and procurement costs of EDC-provided interconnection facilities and system upgrades contemplated by this Agreement as set forth in Attachment 3. The billing shall occur on a monthly basis, or as otherwise agreed to between the Parties. The interconnection customer shall pay each bill within 30 calendar days after receipt, or as otherwise agreed to between the Parties.
- 5.1.2 Within 90 calendar days after completing the construction and installation of the EDC's interconnection facilities and system upgrades described in Attachments 2 and 3 to this Agreement, the EDC shall provide the interconnection customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation of the EDC's interconnection facilities and system upgrades; and (2) the interconnection customer's previous deposit and aggregate payments to the EDC for the interconnection facilities and system upgrades. If the interconnection customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the interconnection customer for the amount due and the interconnection customer shall make payment to the EDC within 30 calendar days. If the interconnection customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the interconnection customer an amount equal to the difference within 30 calendar days after the final accounting report. If the difference between the budget estimate and the actual cost exceeds 20%, the EDC will provide a written explanation for the difference.
- 5.1.3 If a Party disputes any portion of its payment obligation pursuant to this Article 5, the Party shall pay in a timely manner all non-disputed portions of its invoice, and the disputed amount shall be resolved pursuant to the dispute resolution provisions contained in Article 8. A Party disputing a portion of an Article 5 payment shall not be considered to be in default of its obligations under this Article.

## 5.2 Interconnection Customer Deposit

At least 20 business days prior to the commencement of the design, engineering, procurement, installation, or construction of a discrete portion of the EDC's interconnection facilities and system upgrades, the interconnection customer shall provide the EDC with a deposit equal to 100% of the estimated, non-binding cost that exceeds the unused application fee amount to design, engineer, procure, install, or

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construct that particular portion of any such interconnection facilities and/or system upgrades. However, when the estimated date of completion of the interconnection facilities or system upgrades exceeds three months from the date of notification under Article 4.1.1 of this Agreement, this deposit may be held in escrow by a mutually agreed-upon third-party, with any interest to inure to the benefit of the interconnection customer. The parties may mutually agree to waive or modify the customer deposit requirement if alternative financial security arrangements are made under Article 5.4 of this Agreement.

### 5.3 Milestones

The Parties shall agree on milestones for which each Party is responsible and list them in Attachment 5 of this Agreement. A milestone for any Party established under this provision may be extended by mutual agreement. If a Party anticipates that it will be unable to meet a milestone for any reason other than a force majeure event, it shall immediately notify the other Party of the reasons for not meeting the milestone and propose the earliest reasonable alternate date by which it can attain this and future milestones. The appropriate amendments shall be made to Attachment 5. The Party affected by the failure to meet a milestone shall not unreasonably withhold agreement to an amendment.

### 5.4 Alternative Financial Security Arrangements

By mutual agreement of the Parties, as an alternative to the customer deposit requirement in Article 5.2, the Parties may agree to provide the EDC with a guarantee, surety bond, letter of credit or other form of security that is reasonably acceptable to the EDC and is consistent with the Uniform Commercial Code of the jurisdiction where the point of interconnection is located. The security for payment shall be in an amount sufficient to cover the costs for constructing, designing, engineering, procuring and installing the applicable portion of the interconnection facilities and system upgrades and shall be reduced on a dollar-for-dollar basis for payments made to the EDC under this Agreement. In addition:

- 5.4.1 The guarantee must be made by an entity that meets the creditworthiness requirements of the EDC, and contain terms and conditions that guarantee payment of any amount that may be due from the interconnection customer, up to an agreed-to maximum amount.
- 5.4.2 The letter of credit or surety bond must be issued by a financial institution or insurer reasonably acceptable to the EDC and must specify a reasonable expiration date.

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**Article 6. Assignment, Limitation on Damages, Indemnity, Force Majeure, and Default**

## 6.1 Assignment

This Agreement may be assigned by either Party. If the interconnection customer attempts to assign this Agreement, the assignee must agree to the terms of this Agreement in writing and such writing must be provided to the EDC. Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a Party of its obligations, nor shall a Party's obligations be enlarged, in whole or in part, by reason of the assignment. An assignee is responsible for meeting the same obligations as the assignor.

6.1.1 Either Party may assign this Agreement without the consent of the other Party to any affiliate (including mergers, consolidations, or transfers, or a sale of a substantial portion of the Party's assets, between the Party and another entity), of the assigning Party that has an equal or greater credit rating and the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement.

6.1.2 The interconnection customer can assign this Agreement, without the consent of the EDC, for collateral security purposes to aid in providing financing for the distributed generation facility.

## 6.2 Limitation on Damages

Except for cases of gross negligence or willful misconduct, the liability of any Party to this Agreement shall be limited to direct actual damages and reasonable attorney's fees, and all other damages at law are waived. Under no circumstances, except for cases of gross negligence or willful misconduct, shall any Party or its directors, officers, employees and agents, or any of them, be liable to another Party, whether in tort, contract or other basis in law or equity for any special, indirect, punitive, exemplary or consequential damages, including lost profits, lost revenues, replacement power, cost of capital or replacement equipment. This limitation on damages shall not affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement. The provisions of this Article 6.2 shall survive the termination or expiration of the Agreement.

## 6.3 Indemnity

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- 6.3.1 This provision protects each Party from liability incurred to third parties as a result of carrying out the provisions of this Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 6.2.
- 6.3.2 The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees, and agents, from all damages and expenses resulting from a third party claim arising out of or based upon the interconnection customer's (a) negligence or willful misconduct or (b) breach of, or performance under, this Agreement.
- 6.3.3 The EDC shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees, and agents from all damages and expenses resulting from a third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of performance under this Agreement.
- 6.3.4 Within 5 business days after receipt by an indemnified Party of any claim or notice that an action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply has commenced, the indemnified Party shall notify the indemnifying Party of such fact. The failure to notify, or a delay in notification, shall not affect a Party's indemnification obligation unless that failure or delay is materially prejudicial to the indemnifying Party.
- 6.3.5 If an indemnified Party is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying Party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such claim, that indemnified Party may, at the expense of the indemnifying Party, contest, settle or consent to the entry of any judgment with respect to, or pay in full, the claim.
- 6.3.6 If an indemnifying Party is obligated to indemnify and hold any indemnified Party harmless under this Article, the amount owing to the indemnified person shall be the amount of the indemnified Party's actual loss, net of any insurance or other recovery.
- 6.4 Force Majeure

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- 6.4.1 As used in this Article, a force majeure event shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing by the Party claiming force majeure.
- 6.4.2 If a force majeure event prevents a Party from fulfilling any obligations under this Agreement, the Party affected by the force majeure event ("Affected Party") shall notify the other Party of the existence of the force majeure event within one business day or as soon as possible. The notification must specify the circumstances of the force majeure event, its expected duration, and the steps that the Affected Party is taking and will take to mitigate the effects of the event on its performance. If the initial notification is verbal, it must be followed up with a written notification within one business day or as soon as reasonably possible. The Affected Party shall keep the other Party informed on a continuing basis of developments relating to the force majeure event until the event ends. The Affected Party may suspend or modify its obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the force majeure event cannot be otherwise mitigated.
- 6.5 Default
- 6.5.1 No default shall exist when the failure to discharge an obligation (other than the payment of money) results from a force majeure event as defined in this Agreement, or the result of an act or omission of the other Party.
- 6.5.2 A Party shall be in default ("Default") of this Agreement if it fails in any material respect to comply with, observe or perform, or defaults in the performance of, any covenant or obligation under this Agreement and fails to cure the failure within 60 calendar days after receiving written notice from the other Party. Upon a default of this Agreement, the non-defaulting Party shall give written notice of the default to the defaulting Party. Except as provided in Article 6.5.3, the defaulting Party has 60 calendar days after receipt of the default notice to cure the default; provided, however, if the default cannot be cured within 60 calendar days, the defaulting Party shall commence the cure within 20 calendar days after original notice and complete the cure within six months from receipt of the default notice;

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and, if cured within that time, the default specified in the notice shall cease to exist.

- 6.5.3 If a Party has assigned this Agreement in a manner that is not specifically authorized by Article 6.1, fails to provide reasonable access pursuant to Article 2.3, and is in default of its obligations pursuant to Article 7, or if a Party is in default of its payment obligations pursuant to Article 5 of this Agreement, the defaulting Party has 30 days from receipt of the default notice to cure the default. In the case of default, the EDC shall continue to have the right of access to the customer's disconnect switch and metering equipment, as provided in Article 2.3.
- 6.5.4 If a default is not cured as provided for in this Article, or if a default is not capable of being cured within the period provided for in this Article, the non-defaulting Party shall have the right to terminate this Agreement by written notice, and be relieved of any further obligation under this Agreement and, whether or not that Party terminates this Agreement, to recover from the defaulting Party all amounts due under this Agreement, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Article shall survive termination of this Agreement.

**Article 7. Insurance**

The EDC and the interconnection customer shall negotiate the amounts of the comprehensive/general liability insurance coverage that shall be continuously maintained by the interconnection customer during the term of this agreement. The interconnection customer agrees to provide the EDC with at least 30 calendar days advance written notice of cancellation, reduction in limits, or non-renewal of any insurance policy required by this Article.

**Article 8. Dispute Resolution**

- 8.1 Parties shall attempt to resolve all disputes regarding interconnection as provided in this Article in a good faith manner.
- 8.2 If there is a dispute between the Parties about an interpretation of the Agreement, the aggrieved Party shall issue a written notice to the other Party to the agreement that specifies the dispute and the Agreement articles that are disputed.
- 8.3 A meeting between the Parties shall be held within ten calendar days after receipt of the written notice. Persons with decision-making authority from each Party shall attend the

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meeting. If the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each Party shall also attend the meeting. The meeting may be conducted by teleconference.

- 8.4 After the first meeting, each Party may seek resolution through complaint or mediation procedures available at the Commission. The Commission may designate an engineer from the Commission's Energy Division to assist in resolving the dispute. Dispute resolution shall be conducted in a manner designed to minimize costs and delay. Dispute resolution may be conducted by phone.
- 8.5 Pursuit of dispute resolution may not affect an interconnection request or an interconnection applicant's queue position.
- 8.6 If the Parties fail to resolve their dispute under the dispute resolution provisions of this Article, nothing in this Article shall affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement.

**Article 9. Miscellaneous**

- 9.1 **Governing Law, Regulatory Authority, and Rules**  
The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois, without regard to its conflicts of law principles. This Agreement is subject to all applicable laws and regulations. Each Party expressly reserves the right to seek change in, appeal, or otherwise contest any laws, orders or regulations of a governmental authority. The language in all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against the EDC or interconnection customer, regardless of the involvement of either Party in drafting this Agreement.
- 9.2 **Amendment**  
Modification of this Agreement shall be only by a written instrument duly executed by both Parties.
- 9.3 **No Third-Party Beneficiaries**  
This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the Parties, and the obligations in this Agreement assumed are solely for the use and benefit of the Parties, their successors in interest and, where permitted, their assigns.

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## 9.4 Waiver

9.4.1 Except as otherwise provided in this Agreement, a Party's compliance with any obligation, covenant, agreement, or condition in this Agreement may be waived by the Party entitled to the benefits thereof only by a written instrument signed by the Party granting the waiver, but the waiver or failure to insist upon strict compliance with the obligation, covenant, agreement, or condition shall not operate as a waiver of, or estoppel with respect to, any subsequent or other failure.

9.4.2. Failure of any Party to enforce or insist upon compliance with any of the terms or conditions of this Agreement, or to give notice or declare this Agreement or the rights under this Agreement terminated, shall not constitute a waiver or relinquishment of any rights set out in this Agreement, but the same shall be and remain at all times in full force and effect, unless and only to the extent expressly set forth in a written document signed by that Party granting the waiver or relinquishing any such rights. Any waiver granted, or relinquishment of any right, by a Party shall not operate as a relinquishment of any other rights or a waiver of any other failure of the Party granted the waiver to comply with any obligation, covenant, agreement, or condition of this Agreement.

## 9.5 Entire Agreement

Except as provided in Article 9.1, this Agreement, including all attachments, constitutes the entire Agreement between the Parties with reference to the subject matter of this Agreement, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties, or covenants that constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under this Agreement.

## 9.6 Multiple Counterparts

This Agreement may be executed in two or more counterparts, each of which is deemed an original, but all constitute one and the same instrument.

## 9.7 No Partnership

This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties or to impose any partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on

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behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

9.8 Severability

If any provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other governmental authority, (1) that portion or provision shall be deemed separate and independent, (2) the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by the ruling, and (3) the remainder of this Agreement shall remain in full force and effect.

9.9 Environmental Releases

Each Party shall notify the other Party of the release of any hazardous substances, any asbestos or lead abatement activities, or any type of remediation activities related to the distributed generation facility or the interconnection facilities, each of which may reasonably be expected to affect the other Party. The notifying Party shall (1) provide the notice as soon as practicable, provided that Party makes a good faith effort to provide the notice no later than 24 hours after that Party becomes aware of the occurrence, and (2) promptly furnish to the other Party copies of any publicly available reports filed with any governmental authorities addressing such events.

9.10 Subcontractors

Nothing in this Agreement shall prevent a Party from using the services of any subcontractor it deems appropriate to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing services and each Party shall remain primarily liable to the other Party for the performance of the subcontractor.

9.10.1 A subcontract relationship does not relieve any Party of any of its obligations under this Agreement. The hiring Party remains responsible to the other Party for the acts or omissions of its subcontractor. Any applicable obligation imposed by this Agreement upon the hiring Party shall be equally binding upon, and shall be construed as having application to, any subcontractor of the Party.

9.10.2 The obligations under this Article cannot be limited in any way by any limitation of subcontractor's insurance.

**Article 10.** Notices

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10.1 General

Unless otherwise provided in this Agreement, any written notice, demand, or request required or authorized in connection with this Agreement ("Notice") shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

**If to Interconnection Customer:**

Interconnection Customer: \_\_\_\_\_  
Attention: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**If to EDC:**

EDC: \_\_\_\_\_  
Attention: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Alternative Forms of Notice**

Any notice or request required or permitted to be given by either Party to the other Party and not required by this Agreement to be in writing may be given by telephone, facsimile or e-mail to the telephone numbers and e-mail addresses set out above.

10.2 Billing and Payment

Billings and payments shall be sent to the addresses set out below:

**If to Interconnection Customer:**

Interconnection Customer: \_\_\_\_\_  
Attention: \_\_\_\_\_

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Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**If to EDC:**

EDC: \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

10.3 Designated Operating Representative

The Parties may also designate operating representatives to conduct the communications that may be necessary or convenient for the administration of this Agreement. This person will also serve as the point of contact with respect to operations and maintenance of the Party's facilities.

**Interconnection Customer's Operating Representative:** \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**EDC's Operating Representative:** \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

10.4 Changes to the Notice Information

Either Party may change this notice information by giving five business days' written notice before the effective date of the change.

**Article 11. Signatures**

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

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**For the Interconnection Customer:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**For EDC:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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**Attachment 1****Definitions**

**Adverse system impact** – A negative effect that compromises the safety or reliability of electric distribution or transmission systems or that materially affects the quality of electric service provided to customers. An adverse system impact shall take into consideration all higher queued requests in all of the EDC's interconnection queues, whether transmission, distribution subject to the jurisdiction of the Commission, or distribution subject to the jurisdiction of another state regulatory authority.

**Applicable laws and regulations** – All duly promulgated applicable federal, State and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives, judicial or administrative orders, permits and other duly authorized actions of any governmental authority having jurisdiction over the Parties.

**Business day** – Monday through Friday, excluding State and federal holidays.

**Calendar day** – Any day, including Saturdays, Sundays and State and federal holidays.

**Certificate of completion** – A certificate, in a form approved by the Commission, that contains information about the interconnection equipment to be used, its installation and local inspections (see Appendix A).

**Commissioning test** – A test applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts and performs to the submitted specifications. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified IEEE Standard 1547 Section 5.4 "Commissioning tests".

**Distributed generation facility** – The equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or a local electric power system.

**Electric distribution company or EDC** – Any electric utility subject to the jurisdiction of the Illinois Commerce Commission.

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**Electric distribution system** – The facilities and equipment owned and operated by the EDC and used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas, but generally carry less than 100 kilovolts of electricity. Electric distribution system has the same meaning as the term Area EPS, as defined in Section 3.1.6.1 of IEEE Standard 1547.

**Force majeure event** – Any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing.

**Governmental authority** – Any federal, State, local or other governmental regulatory or administrative agency, court, commission, department, board, or other governmental subdivision, legislature, rulemaking board, tribunal, or other governmental authority having jurisdiction over the Parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that this term does not include the interconnection customer, EDC or any affiliate of either.

**IEEE Standard 1547** – The Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997, Standard 1547 (2003), "Standard for Interconnecting Distributed Resources with Electric Power Systems".

**IEEE Standard 1547.1** – The IEEE Standard 1547.1 (2005), "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems".

**Interconnection agreement or Agreement** – The Agreement between the interconnection customer and the EDC governing the connection of the distributed generation facility to the EDC's electric distribution system and the ongoing operation of the distributed generation facility after it is connected to the EDC's electric distribution system.

**Interconnection customer** – The entity entering into this Agreement for the purpose of interconnecting a distributed generation facility to the EDC's electric distribution system.

**Interconnection equipment** – A group of components or an integrated system owned and operated by the interconnection customer that connects an electric generator with a local electric

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power system, as that term is defined in Section 3.1.6.2 of IEEE Standard 1547, or with the electric distribution system. Interconnection equipment is all interface equipment, including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

**Interconnection facilities** – Facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities and equipment between the distributed generation facility's interconnection equipment and the point of interconnection, including any modifications or additions necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include system upgrades.

**Interconnection request** – An applicant's request, on the required form, for the interconnection of a new distributed generation facility, or to increase the capacity or change the operating characteristics of an existing distributed generation facility that is interconnected with the EDC's electric distribution system.

**Line section** – That portion of an electric distribution system connected to an interconnection customer's site, bounded by automatic sectionalizing devices and/or the end of the distribution line.

**Parallel operation or Parallel** – The state of operation that occurs when a distributed generation facility is connected electrically to the electric distribution system.

**Point of interconnection** – The point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling", defined in Section 3.1.13 of IEEE Standard 1547.

**Queue position** – The order an EDC receives a completed interconnection request relative to that specific EDC's other interconnection requests. It is established by the date that the EDC receives the completed interconnection request.

**System upgrade** – A required addition to the electric distribution or transmission system to accommodate the interconnection of the distributed generation facility. System upgrades do not include interconnection facilities.

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**Witness test** –Verification by the EDC, either by on-site observation or review of documents, that the interconnection installation evaluation required by the applicable technical standards has been performed.

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**Attachment 2****Construction Schedule, Proposed Equipment & Settings**

This attachment shall include the following:

1. The proposed construction schedule for the distributed generation facility.
2. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities and metering equipment.
3. Component specifications for equipment identified in the one-line diagram.
4. Component settings.
5. Proposed sequence of operations.
6. A three-line diagram showing current potential circuits for protective relays.
7. Relay tripping and control schematic diagram.

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**Attachment 3****Description, Costs and Time Required to Build and Install the EDC's  
Interconnection Facilities and System Upgrades**

This attachment is to be completed by the EDC and shall include the following:

1. Required interconnection facilities and system upgrades.
2. An estimate of itemized costs charged by the EDC for interconnection, including overheads, based on results from prior studies.
3. An estimate for the time required to build and install the EDC's interconnection facilities and system upgrades based on results from prior studies and an estimate of the date upon which the facilities will be completed

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**Attachment 4**

**Operating Requirements for Distributed Generation Facilities Operating in Parallel**

The EDC shall list specific operating practices pursuant to Articles 1.9 and 1.10 of this Agreement and the conditions under which each listed specific operating practice applies.

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**Attachment 5**

**Milestones**

This attachment shall list the milestones identified by mutual agreement of the parties pursuant to Article 5.3 of this Agreement.

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**Attachment 6****Monitoring and Control Requirements**

The EDC may request a variance to the EDC's published monitoring and control requirements if necessary due to electric system conditions, constraints or unique generator characteristics. A written explanation of any modifications shall be provided below.

This attachment is to be completed by the EDC and shall include the following:

1. The EDC's monitoring and control requirements, along with a reference to the EDC's written requirements documents from which these requirements are derived.
2. An internet link to the requirements documents.
3. An explanation of any modifications to the EDC's published monitoring and control requirements.

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**Attachment 7****Metering Requirements**

Any metering required for a distributed generation interconnection shall be installed, operated and maintained in accordance with applicable EDC tariffs and agreements.

This attachment is to be completed by the EDC and shall include the following:

1. The metering requirements for the distributed generation facility.
2. Identification of the appropriate tariffs that establish these requirements.
3. An internet link to these tariffs.

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**Attachment 8****As-Built Documents**

This attachment is to be completed by the interconnection customer and shall include the following:

When it returns the certificate of completion to the EDC, the interconnection customer shall provide the EDC with documents detailing the as-built status of the following:

1. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities, and metering equipment.
2. Component specifications for equipment identified in the one-line diagram.
3. Component settings.
4. Sequence of operations.
5. A three-line diagram showing current potential circuits for protective relays.
6. Relay tripping and control schematic diagram.

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**Attachment 9**

**Application and Supporting Documentation**

Attached to this Agreement are the interconnection customer's interconnection request application form and all other supporting documents used by the Parties to determine the requirements for connecting the distributed generation facility.

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**Section 467.APPENDIX D Interconnection Feasibility Study Agreement****Interconnection Feasibility Study Agreement**

This agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ by and between \_\_\_\_\_ ("interconnection customer"), as an individual person, or as a \_\_\_\_\_ organized and existing under the laws of the State of \_\_\_\_\_, and \_\_\_\_\_ ("Electric Distribution Company" (EDC)), a \_\_\_\_\_ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

**Recitals:**

**Whereas**, interconnection customer is proposing to develop a distributed generation facility or modify an existing distributed generation facility consistent with the interconnection request application form submitted by interconnection customer on \_\_\_\_\_ (Date); and

**Whereas**, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system; and

**Whereas**, interconnection customer has requested EDC to perform an interconnection feasibility study to assess the feasibility of interconnecting the proposed distributed generation facility to EDC's electric distribution system;

**Now, therefore**, in consideration of and subject to the mutual covenants contained in this Agreement the Parties agree as follows:

1. All terms defined in Section 467.20 of the Illinois Large Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.
2. The Interconnection customer elects and the EDC shall cause to be performed an interconnection feasibility study consistent with Section 467.70 of the Illinois Large Distributed Generation Interconnection Standard.
3. The scope of the interconnection feasibility study shall be based upon the information set forth in the interconnection request application form and Attachment A to this Agreement.

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4. The interconnection feasibility study shall be based on the technical information provided by interconnection customer in the interconnection request application form, as modified with the agreement of the Parties. The EDC has the right to request additional technical information from the interconnection customer during the course of the interconnection feasibility study. If the interconnection customer modifies its interconnection request, the time to complete the interconnection feasibility study may be extended by the EDC.
5. In performing the study, the EDC shall rely on existing studies of recent vintage to the extent practical. The interconnection customer will not be charged for existing studies; however, interconnection customer is responsible for the cost of applying any existing study to the interconnection customer specific requirements and for any new study that the EDC performs.
6. The interconnection feasibility study report must provide the following information:
  - 6.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection;
  - 6.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection; and
  - 6.3 A description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC's electric distribution system, as required under Section 467.70(e)(1) of the Illinois Large Distributed Generation Interconnection Standard.
7. The interconnection customer shall provide a study deposit equal to 100 percent of the estimated non-binding study costs if the initial application fee deposit has been depleted. If the initial application fee deposit has been depleted, the study will not commence until the study deposit has been received by the EDC.
8. The interconnection feasibility study shall be completed and the results shall be transmitted to the interconnection customer within 45 business days after this Agreement is signed by the Parties or the complete study deposit has been received by the EDC, whichever is later.

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- 9. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to the interconnection customer. The invoice must include an itemized listing of employee time and costs expended on the study.
- 10. The interconnection customer shall pay any actual study costs that exceed the deposit, without interest, within 30 calendar days after receipt of the invoice. The EDC shall refund any excess deposit amount, without interest, within 30 calendar days after the invoice.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

[Insert name of EDC]

Signed: \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

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**Attachment A to Interconnection Feasibility Study Agreement  
Assumptions Used in Conducting the Interconnection Feasibility Study**

The interconnection feasibility study will be based upon the information in the interconnection request application form.

Information concerning the point of interconnection and configuration to be studied that is not otherwise provided in the application.

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Note: This Attachment is to be completed by mutual agreement of the Parties. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.

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## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

**Section 467.APPENDIX E Interconnection System Impact Study Agreement****Interconnection System Impact Study Agreement**

This agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ by and between \_\_\_\_\_ ("interconnection customer"), as an individual person, or as a \_\_\_\_\_ organized and existing under the laws of the State of \_\_\_\_\_, and \_\_\_\_\_ ("Electric Distribution Company" (EDC)), a \_\_\_\_\_ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

**Recitals:**

**Whereas**, the interconnection customer is proposing to develop a distributed generation facility or modify an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on \_\_\_\_\_ (Date) \_\_\_\_\_; and

**Whereas**, interconnection customer desires to interconnect the distributed generation facility to the EDC's electric distribution system; and

**Whereas**, the EDC has completed an interconnection feasibility study and provided the results of the study to the interconnection customer (this recital to be omitted if the Parties have agreed to forego the interconnection feasibility study); and

**Whereas**, the interconnection customer has requested the EDC to perform an interconnection system impact study to assess the impact of interconnecting the distributed generation facility to the EDC's electric distribution system;

**Now, therefore**, in consideration of and subject to the mutual covenants contained in this Agreement the Parties agree as follows:

1. All terms defined in Section 467.20 of the Illinois Large Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.
2. The interconnection customer elects and the EDC shall cause to be performed an interconnection system impact study consistent with Section 467.70 of the Illinois Large Distributed Generation Interconnection Standard.

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3. The scope of the interconnection system impact study shall be based upon the information set forth in the interconnection request application form and in Attachment A to this Agreement.
4. The interconnection system impact study shall be based upon the interconnection feasibility study and the technical information provided by interconnection customer in the interconnection request application form. The EDC reserves the right to request additional technical information from interconnection customer. If the interconnection customer modifies its proposed point of interconnection or interconnection request, or the technical information provided in the request is modified, the time to complete the interconnection system impact study may be extended.
5. The interconnection system impact study report shall provide the following information:
  - 5.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection;
  - 5.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection;
  - 5.3 Identification of any instability or inadequately damped response to system disturbances resulting from the interconnection; and
  - 5.4 Description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC's electric distribution system and to address the identified short circuit, thermal overload, voltage and instability issues, as required under Section 467.70(e)(2) of the Illinois Large Distributed Generation Interconnection Standard.
6. The interconnection customer shall provide a study deposit equal to 100 percent of the estimated non-binding study costs if the initial application fee deposit has been depleted. If the initial application fee deposit has been depleted, the study will not commence until the study deposit has been received by the EDC.
7. The interconnection system impact study, if required, shall be completed and the results transmitted to the interconnection customer within 45 business days after this Agreement is signed by the Parties or the complete study deposit has been received by the EDC, whichever is later.

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- 8. Study fees shall be based on actual costs and shall be invoiced to the interconnection customer after the study is transmitted to the interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.
- 9. The interconnection customer shall pay any study costs that exceed the deposit within 30 calendar days after receipt of the invoice. EDC shall refund any excess deposit amount within 30 calendar days after the invoice.

In witness thereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

[Insert name of EDC]

Signed: \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

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**Attachment A to Interconnection System Impact Study Agreement**

**Assumptions Used in Conducting the Interconnection System Impact Study**

The interconnection system impact study shall be based upon the results of the interconnection feasibility study, subject to any modifications in accordance with Section 467.70 of the Illinois Distributed Generation Interconnection Standard, and the following assumptions:

Point of interconnection and configuration to be studied to the extent it is different from the information provided in the application or feasibility study.

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Note: This Attachment A is to be completed by mutual agreement of the Parties. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.

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## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

**Section 467.APPENDIX F Interconnection Facilities Study Agreement****Interconnection Facilities Study Agreement**

This agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ by and between \_\_\_\_\_ ("interconnection customer"), as an individual person, or as a \_\_\_\_\_ organized and existing under the laws of the State of \_\_\_\_\_, and \_\_\_\_\_ ("Electric Distribution Company" (EDC)), a \_\_\_\_\_ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

**Recitals:**

**Whereas**, the interconnection customer is proposing to develop a distributed generation facility or modify an existing distributed generation facility consistent with the interconnection request application form submitted by the interconnection customer on \_\_\_\_\_ (Date); and

**Whereas**, the interconnection customer desires to interconnect the distributed generation facility with the EDC's electric distribution system; and

**Whereas**, the EDC has completed an interconnection system impact study and provided the results of that study to interconnection customer; and

**Whereas**, the interconnection customer has requested the EDC to perform an interconnection facilities study to specify and estimate the cost of the equipment, engineering, procurement and construction work needed to interconnect the distributed generation facility;

**Now, therefore**, in consideration of and subject to the mutual covenants contained in this Agreement, the Parties agree as follows:

1. All terms defined in Section 467.20 of the Illinois Large Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.
2. The interconnection customer elects and the EDC shall cause an interconnection facilities study consistent with Section 467.70 of the Illinois Large Distributed Generation Interconnection Standard.

ILLINOIS COMMERCE COMMISSION

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- 3. The scope of the interconnection facilities study shall be determined by the information provided in Attachment A to this Agreement.
- 4. An interconnection facilities study report (1) shall provide a description, estimated cost of system upgrades, and schedule for required facilities to interconnect the distributed generation facility to the EDC's electric distribution system; and (2) shall address all issues identified in the interconnection system impact study (or identified in this study if the system impact study is combined with this Agreement).
- 5. The interconnection customer shall provide a study deposit equal to 100 percent of the estimated non-binding study costs if the initial application fee deposit has been depleted.
- 6. In cases in which no system upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to the interconnection customer within 15 business days after this Agreement is signed by the Parties. In cases in which system upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to the interconnection customer within 35 business days after this Agreement is signed by the Parties or the complete study deposit has been received by the EDC, whichever is later. The study will not commence until the deposit has been received by the EDC.
- 7. Study fees shall be based on actual costs and will be invoiced to the interconnection customer after the study is transmitted to the interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.
- 8. The interconnection customer shall pay any actual study costs that exceed the deposit within 30 calendar days after receipt of the invoice. The EDC shall refund any excess deposit amount within 30 calendar days after the invoice.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

[Insert name of EDC]

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Signed: \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

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**Attachment A to Interconnection Facilities Study Agreement**

**Minimum Information that the Interconnection Customer Must Provide  
with the Interconnection Facilities Study Agreement**

Provide location plan and simplified one-line diagram of the distributed generation facilities.

For staged projects, please indicate size and location of planned additional future generation.

On the one-line diagram, indicate the generation capacity attached at each metering location.  
(Maximum load on CT/PT)

On the one-line diagram, indicate the location of auxiliary power. (Minimum load on CT/PT)  
Amps

One set of metering is required for each generation connection to the EDC's electric distribution system.

Number of generation connections: \_\_\_\_\_

Will an alternate source of auxiliary power be available during CT/PT maintenance?

Yes  No

Will a transfer bus on the generation side of the metering require that each meter set be designed for the total distributed generation capacity?

Yes  No  (Please indicate on the one-line diagram.)

What type of control system or PLC will be located at the distributed generation facility?

\_\_\_\_\_  
What protocol does the control system or PLC use? \_\_\_\_\_

Please provide a scale drawing of the site. Indicate the point of common coupling, distribution line, and property lines.

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Number of third party easements required for EDC's interconnection facilities: \_\_\_\_\_

**To be completed in coordination with EDC.**

Is the distributed generation facility located in EDC's service area?

Yes  No

If No, please provide name of local provider:

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Please provide the following proposed schedule dates:

Begin Construction Date: \_\_\_\_\_

Generator Step-up Transformers Receive Back Feed Power Date: \_\_\_\_\_

Generation Testing Date: \_\_\_\_\_

Commercial Operation Date: \_\_\_\_\_

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Procedures For Providing Grants From The Illinois Clean Diesel Grant Program
- 2) Code Citation: 35 Ill. Adm. Code 261
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
261.110	New Section
261.120	New Section
261.130	New Section
261.140	New Section
261.210	New Section
261.220	New Section
261.230	New Section
261.310	New Section
261.320	New Section
261.330	New Section
261.340	New Section
261.350	New Section
261.360	New Section
261.370	New Section
261.380	New Section
261.390	New Section
261.410	New Section
261.420	New Section
261.430	New Section
261.440	New Section
261.450	New Section
261.460	New Section
261.470	New Section
261.510	New Section
261.520	New Section
261.530	New Section
261.540	New Section
261.610	New Section
261.620	New Section
261.630	New Section
261.640	New Section
261.650	New Section
261.660	New Section

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- |         |             |
|---------|-------------|
| 261.710 | New Section |
| 261.720 | New Section |
| 261.730 | New Section |
| 261.740 | New Section |
- 4) Statutory Authority: Implementing and authorized by Section 4(k) of the Illinois Environmental Protection Act. [415 ILCS 5/4(k)]
  - 5) Effective Date of Rules: March 4, 2010
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this rulemaking contain incorporations by reference? No
  - 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.
  - 9) Notice of Proposal Published in the Illinois Register: October 30, 2009; 33 Ill. Reg. 14664
  - 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
  - 11) Differences between proposal and final version: None
  - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
  - 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
  - 14) Are there any amendments pending on this Part? No
  - 15) Summary and Purpose of Rules: This rulemaking will address how the Illinois Environmental Protection Agency will disburse funding it receives from a variety of sources, including the American Recovery and Reinvestment Act of 2009, in the form of grants. This rulemaking will establish a streamlined approach to procedures for issuance of grants, determining eligibility, and performing grant projects.
  - 16) Information and questions regarding this adopted rulemaking shall be directed to:

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Kent E. Mohr Jr., Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

217/782-5544

The full text of the Adopted Rules begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 261  
PROCEDURES FOR PROVIDING GRANTS FROM THE ILLINOIS  
CLEAN DIESEL GRANT PROGRAM

SUBPART A: INTRODUCTION

Section	
261.110	Purpose
261.120	Definitions
261.130	Abbreviations
261.140	Severability

SUBPART B: REQUIREMENTS FOR THE  
ILLINOIS CLEAN DIESEL GRANT PROGRAM

Section	
261.210	Uses of the Illinois Clean Diesel Grant Program
261.220	Agency Responsibilities under the Illinois Clean Diesel Grant Program
261.230	Requirements for Grant Recipients under the Illinois Clean Diesel Grant Program

SUBPART C: PROCEDURES FOR ISSUANCE OF GRANTS

Section	
261.310	Scope and Availability of Grants
261.320	Limitations on Grant Amounts
261.330	Grant Applicant Eligibility Criteria
261.340	Vehicle and Equipment Eligibility Criteria
261.350	Technology Eligibility Criteria
261.360	Grant Applications
261.370	Agency Action on Grant Applications
261.380	Grant Agreement
261.390	Amendments to Grant Agreement and Minor Project Scope of Work Changes

SUBPART D: REQUIREMENTS APPLICABLE TO PROJECT INITIATION,  
CHANGES, COMPLETION AND OPERATION OF PROJECT

## ENVIRONMENTAL PROTECTION AGENCY

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Section	
261.410	Project Initiation
261.420	Operation and Maintenance of the Project
261.430	Delays and Developments
261.440	State and Federal Oversight
261.450	Evaluation of Performance
261.460	Final Inspection
261.470	Equipment Disposition and Recoupment

## SUBPART E: REQUIREMENTS APPLICABLE TO GRANT DISBURSEMENTS

Section	
261.510	Determination of Allowable Costs
261.520	Use of Grant Funds and Unallowable Costs
261.530	Disbursement of Grant Funds
261.540	Agency Reimbursement

SUBPART F: LIABILITIES AND REMEDIES FOR FAILURE  
TO COMPLY WITH GRANT PROCEDURES

Section	
261.610	Noncompliance with Grant Requirements and Procedures
261.620	Project Suspension
261.630	Grant Termination by the Agency
261.640	Recovery of Grant Funds
261.650	Indemnification
261.660	Disputes Relating to Performance

## SUBPART G: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS

Section	
261.710	Access
261.720	Audit and Records
261.730	Single Audit Act
261.740	Reporting

AUTHORITY: Implementing and authorized by Section 4(k) of the Environmental Protection Act [415 ILCS 5/4(k)].

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

SOURCE: Emergency Rule adopted at 33 Ill. Reg. 14764, effective October 14, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 3595, effective March 4, 2010.

## SUBPART A: INTRODUCTION

**Section 261.110 Purpose**

- a) The Illinois Environmental Protection Agency (Agency) is implementing the Illinois Clean Diesel Grant Program (ICDGP). The primary goal of this program is to reduce particulate matter emissions and other pollutants from diesel-powered vehicles and to improve public health. This program receives funding from a variety of sources and utilizes such funding to provide grant financial assistance to further the goals of the program and these specific sources of funding. The funding sources include, but are not limited to, the Diesel Emissions Reduction Act (DERA), Congestion Mitigation and Air Quality Improvement Program (CMAQ), American Recovery and Reinvestment Act of 2009 (ARRA), and supplemental environmental projects (SEP). Grant financial assistance from the ICDGP is subject to the requirements of the applicable funding source and the requirements of this Part.
- b) This Part sets forth the procedures to be used by the Agency to operate the ICDGP.

**Section 261.120 Definitions**

For the purposes of this Part, the following definitions apply:

Agency – Illinois Environmental Protection Agency.

ARRA – American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

CMAQ - Congestion Mitigation and Air Quality Improvement Program (23 USC 149).

DERA – Diesel Emissions Reduction Act (42 USC 16131 et seq.).

Director – Director of the Agency.

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Engine repower – a new, rebuilt, or remanufactured engine configuration that has been certified or otherwise allowed by the United States Environmental Protection Agency (USEPA) and that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by USEPA.

Grant agreement – the contractual agreement between the Agency and grant recipient governing the grant, which includes at a minimum a project scope of work and grant terms and conditions.

Grant applicant – a person or entity that has applied for a grant from the Agency under this Part.

Grant period – the period of time specified in the grant agreement for performance of the project scope of work.

Grant recipient – a grant applicant that has been provided a project confirmation letter from the Agency for a grant.

Gross vehicle weight rating (GVWR) – the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

Off-road diesel-powered vehicle or equipment – a self-propelled diesel-powered vehicle, or diesel-powered equipment, that is not an on-road diesel-powered vehicle or on-road diesel-powered equipment. This includes, but is not limited to, locomotives, marine vessels, and vehicles or equipment used in agriculture, construction, or mining.

On-road diesel-powered vehicle or equipment – a self-propelled diesel-powered vehicle, or diesel-powered equipment, designed for operation on a street or highway. This includes, but is not limited to, buses and trucks.

Project amendment confirmation letter – a written letter from the Agency to the grant recipient, including the signed grant amendment, approving revisions to a grant agreement.

Project confirmation letter – a written letter from the Agency to the grant recipient, including the signed grant agreement, authorizing the grant recipient to commence the project scope of work.

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Project scope of work – the grant project activities or tasks identified by the Agency in the grant agreement for which the grant recipient may expend grant funds.

SEP – a supplemental environmental project contained in an enforceable consent decree.

Sub-agreement – a written agreement between the grant recipient and another party to perform all or part of the project scope of work for which a grant is provided, including, but not limited to, contracts and subcontracts.

Verified idle reduction technology – a technology or device that is installed on a vehicle or at a location, is designed to provide services to the vehicle or equipment that would otherwise require the operation of the main drive engine while the vehicle or equipment is parked or remains stationary, reduces unnecessary idling of such vehicle or equipment, allows for the reduction in emissions, and is verified or otherwise approved by USEPA.

Verified retrofit technology – a pollution control device verified or otherwise approved by USEPA.

**Section 216.130 Abbreviations**

Agency	Illinois Environmental Protection Agency
ARRA	American Recovery and Reinvestment Act
CMAQ	Congestion Mitigation and Air Quality Improvement Program
DERA	Diesel Emissions Reduction Act
GVWR	gross vehicle weight rating
ICDGP	Illinois Clean Diesel Grant Program
SEP	supplemental environmental project
State	State of Illinois
USEPA	United States Environmental Protection Agency

**Section 261.140 Severability**

If any Section, subsection, sentence or clause of this Part shall be adjudged unconstitutional, void, invalid, or otherwise unlawful, such adjudication shall not affect the validity of this Part as a whole, or any Section, subsection, sentence, or clause thereof not adjudged unconstitutional, void, invalid, or otherwise unlawful.

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SUBPART B: REQUIREMENTS FOR THE  
ILLINOIS CLEAN DIESEL GRANT PROGRAM**Section 261.210 Uses of the Illinois Clean Diesel Grant Program**

The ICDGP shall be used and administered by the Agency for the following purposes:

- a) To accept and retain funds from awards, appropriations, SEPs, and other funding sources; and
- b) To make grants to eligible grant applicants to finance projects that meet the purposes, goals, and requirements of the ICDGP and the applicable funding source, if any.

**Section 261.220 Agency Responsibilities under the Illinois Clean Diesel Grant Program**

- a) The Agency shall review and evaluate grant applications on a competitive basis, issue grants in accordance with the requirements of the ICDGP and the applicable funding source, and conduct oversight of grant project work.
- b) Unless otherwise authorized by the Agency, once the grant recipient has performed the project scope of work in accordance with the requirements of this Part and the grant agreement, the Agency, subject to the provisions of this Part and the grant agreement, shall reimburse the grant recipient or contractor for the cost of the grant project work.

**Section 261.230 Requirements for Grant Recipients under the Illinois Clean Diesel Grant Program**

- a) Grant recipients shall execute and comply with a grant agreement issued by the Agency. To the extent that grant recipients engage a contractor or subcontractor to perform all or a portion of the project scope of work, grant recipients shall enter into a sub-agreement covering those activities. The grant recipient shall provide a copy of the sub-agreement to the Agency and ensure that the contractor and any subcontractor are aware of and comply with applicable provisions of the grant agreement and the requirements of this Part.

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- b) Grant recipients shall provide for open and free competition, and shall use procurement procedures which reflect applicable local and State of Illinois (State) laws and regulations, provided the procurements conform to applicable federal law, relating to any sub-agreements for the performance of grant projects funded from the ICDGP.
- c) Grant recipients shall comply with all applicable local, State, and federal laws, regulations, policies, guidance, federal award conditions, federal circulars, and executive orders in the performance of grant projects funded from the ICDGP.

## SUBPART C: PROCEDURES FOR ISSUANCE OF GRANTS

**Section 261.310 Scope and Availability of Grants**

- a) Subject to the availability of funding and the limitations, criteria, procedures, and requirements set forth in this Part, grant financial assistance from the ICDGP is available to grant applicants for projects which meet the goals and requirements of the ICDGP and the applicable funding source.
- b) Grant financial assistance shall be awarded on a competitive basis.
- c) A grant recipient, if determined to be in noncompliance with this Part or the grant agreement, may not be eligible to receive an additional grant until compliance with any existing grant agreement is achieved and the grant recipient provides sufficient assurances to the Agency that it has addressed or will timely address the previous noncompliance.

**Section 261.320 Limitations on Grant Amounts**

- a) Grant financial assistance is limited to:
  - 1) Sufficient appropriation by the State and the availability of cash deposited into the applicable fund from the applicable funding source; and
  - 2) Approved allowable costs as defined by this Part and identified in the grant agreement.
- b) The Agency may elect to partially fund a grant project by funding discrete portions or phases of the project scope of work.

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**Section 261.330 Grant Applicant Eligibility Criteria**

- a) Grant applicants must be located in Illinois, unless otherwise agreed to by the Agency;
- b) Grant applicants must own the vehicle(s) or equipment involved in the proposed grant project, unless otherwise agreed to by the Agency;
- c) A unit, department, agency, or instrumentality of the federal government is not an eligible grant applicant under this Part, unless otherwise agreed to by the Agency;
- d) Grant applicants' proposed projects must meet the goals of the ICDGP;
- e) Grant applicants shall follow the procedures and requirements contained in this Part; and
- f) Grant applicants must meet all eligibility criteria and requirements of the applicable funding source.

**Section 261.340 Vehicle and Equipment Eligibility Criteria**

- a) As approved by the Agency, eligible vehicles and equipment may include the following:
  - 1) On-road diesel-powered vehicles or equipment; and
  - 2) Off-road diesel-powered vehicles or equipment.
- b) The vehicle(s) or equipment must be in continuous service and not utilized as a reserve vehicle or equipment in which its primary function is to substitute for another vehicle or equipment on a short-term basis.
- c) The vehicle(s) or equipment must meet all eligibility criteria and requirements relating to the applicable funding source.

**Section 261.350 Technology Eligibility Criteria**

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- a) The following technologies are eligible for grant financial assistance under this Part:
- 1) Verified retrofit technology, including, but not limited to, retrofit devices and engine upgrades, that when applied to an existing diesel engine achieves emission reductions beyond what was required or allowed by USEPA at the time of the engine's manufacture and certification;
  - 2) Verified idle reduction technology, including, but not limited to, a technology or device that:
    - A) Is installed on a vehicle or at a location, that reduces idling of such vehicle or equipment, and/or is designed to provide services such as heat, air conditioning, and/or electricity to the vehicle or equipment that would otherwise require the operation of the main drive engine while it is parked;
    - B) Reduces fuel usage and emissions from the vehicle or equipment when compared to idling the main engine; and
    - C) Is approved by USEPA and/or the California Air Resources Board;
  - 3) Engine repower, including, but not limited to, diesel engine replacement with an engine certified for use or the replacement of an off-road engine with an on-road engine, as approved by USEPA. To be eligible, repower projects must meet the following criteria:
    - A) The repowered vehicle or equipment must continue to perform the same function as before the repower;
    - B) The engine being replaced must be scrapped in accordance with the grant agreement, if specified, or rendered permanently disabled, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. If scrapped or salvaged engines are to be sold, program income requirements apply as specified by the grant agreement; and

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- C) Evidence of appropriate disposal, including vehicle identification number, engine serial number, or equivalent as determined by the Agency, must be provided;
- 4) Vehicle or equipment replacement. On-road and off-road diesel-powered vehicles and equipment may be replaced with newer, cleaner vehicles and equipment that operate on diesel or alternative fuels and meet a more stringent set of engine emissions standards as specified by USEPA. To be eligible, vehicle and equipment replacement projects must meet the following criteria:
- A) Unless otherwise approved by the Agency, the replacement vehicle or equipment must be of the same type and similar GVWR or horsepower as the vehicle or equipment being replaced;
  - B) The replacement vehicle or equipment must perform the same function as the vehicle or equipment that is being replaced;
  - C) The vehicle or equipment being replaced must be scrapped in accordance with the grant agreement, if specified, or rendered permanently disabled or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Equipment and vehicle components that are not part of the engine or chassis may be salvaged from the unit being replaced. If scrapped or salvaged vehicles or parts are to be sold, program income requirements apply as specified by the grant agreement; and
  - D) Evidence of appropriate disposal, including vehicle identification number, engine serial number, or equivalent as determined by the Agency, must be provided;
- 5) Technologies and equipment may be deemed eligible by the Agency for certain types of grant financial assistance, consistent with USEPA approval, in the event that such technology is not yet certified or verified by USEPA; and
- 6) Other types of technologies or combinations of technologies which are verified or certified by USEPA, or otherwise allowed by USEPA.

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- b) The following are not eligible for repower or replacement projects:
  - 1) Engine repower or replacement projects that would have occurred through normal attrition are considered to be the result of normal fleet turnover. Normal attrition generally means a replacement or repower that is scheduled to take place during the grant period. Normal attrition is generally defined by the vehicle or fleet owner's budget plan, operating plan, standard procedures, or retirement schedule; or
  - 2) The purchase of new vehicles or equipment to expand a fleet.
- c) No funds awarded under this Part shall be used to fund the purchase or installation of emission control equipment or technology that is required as a result of noncompliance with a local, State, or federal law.

**Section 261.360 Grant Applications**

- a) To be considered for a grant, grant applicants must submit to the Agency a complete application form and other required information. The grant application form must be signed and dated by a representative authorized to sign for the grant applicant that is ultimately responsible for implementation of the project scope of work. The title of the representative must be provided.
- b) Grant applicants must use grant application forms furnished by the Agency. Grant applicants shall obtain grant application forms, including other required information, and instructions from the Agency. Completed applications, including other required information, must be submitted to the Agency.

**Section 261.370 Agency Action on Grant Applications**

- a) Issuance of grants under this Part is subject to appropriation by the State and availability of funds from the applicable funding source.
- b) Completed grant applications shall remain active for funding for one year from Agency receipt of the application.

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- c) If a grant applicant submits an incomplete application, the Agency shall attempt to so notify the grant applicant in writing, identifying the information that is lacking.
- d) The Agency may request that the grant applicant revise its grant application.
- e) Grant applicants are not eligible to obtain grant financial assistance by default due to failure by the Agency to act upon a grant application.
- f) The Agency shall evaluate grant applications meeting the requirements of the applicable funding sources and this Part based on air quality benefit, geographic distribution, and project type.
- g) The Agency shall select grant applications that best match the purposes of the ICDGP and applicable funding sources.

**Section 261.380 Grant Agreement**

- a) If selected for a grant project, the Agency shall send the grant applicant a grant agreement. The grant applicant shall sign and return the grant agreement within the time period specified by the Agency. If the grant applicant fails to submit the signed grant agreement to the Agency, the grant award may be considered null and void.
- b) The grant agreement and any grant amendments and approved minor project scope of work changes shall govern the grant.
- c) Following acceptance of the grant agreement by the State, the Agency shall issue a project confirmation letter, including a signed copy of the grant agreement, to the grant recipient, which authorizes the grant recipient to begin the project scope of work.

**Section 261.390 Amendments to Grant Agreement and Minor Project Scope of Work Changes**

From time to time, the Agency and grant recipient may propose changes to the grant agreement and mutually agree to changes to the grant agreement.

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- a) Amendments to the Grant Agreement. A grant amendment is a significant change to the grant agreement that generally may include, but may not be limited to, changes to the total project cost, number of vehicles affected, grant period, or project air quality benefit. The grant agreement may be amended only by the mutual consent of the parties set forth in writing as a grant amendment, signed and dated by the Agency and the grant recipient. The following requirements and procedures apply to grant amendments:
- 1) The grant recipient may request a grant amendment at any point during the grant period. Requests for grant amendments must be submitted in writing to the Agency by the grant recipient's representative as defined in Section 261.360(a) (Grant Applications) of this Subpart.
  - 2) The Agency shall notify the grant recipient in writing of its approval or rejection of the requested grant amendment no more than 90 calendar days after receipt of a request for a grant amendment.
  - 3) Permissible grant amendments may include, but are not limited to, the following:
    - A) The original project cost approval was based on estimated costs or contractor bids and the actual costs or contractor bids are greater or less than the estimated costs;
    - B) Amendments to State or federal statutes or regulations have affected or will affect the project costs;
    - C) A project scope of work element was inadvertently omitted; or
    - D) A project scope of work element was added pursuant to applicable local, State, or federal law.
  - 4) A grant amendment becomes effective when signed by both the Agency and the grant recipient, and approved by the State. Following acceptance, the Agency shall issue a project amendment confirmation letter, including a signed copy of the grant amendment, to the grant recipient.

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- 5) A grant recipient is not eligible to obtain a grant amendment by default due to the Agency's failure to act within the time frame set forth in this Section.
- b) **Minor Project Scope of Work Changes.** A minor project scope of work change includes, but is not limited to, a change in location that does not affect air quality benefit, a change in equipment specification such as engine displacement capacity or equipment manufacturer, or other similar change, which is not a grant amendment. The following requirements and procedures apply to minor project scope of work changes:
  - 1) Grant recipients shall notify the Agency, in writing, of all proposed minor project scope of work changes.
  - 2) The Agency may approve proposed minor project scope of work changes that it determines are cost-effective and within the overall scope, criteria, requirements, and limitations of the grant project.
  - 3) The Agency shall notify the grant recipient in writing of its approval or rejection of the request.
  - 4) A grant recipient cannot obtain approval of a project scope of work change by default due to the Agency's failure to respond to such a request.

SUBPART D: REQUIREMENTS APPLICABLE TO PROJECT INITIATION,  
CHANGES, COMPLETION AND OPERATION OF PROJECT**Section 261.410 Project Initiation**

The grant recipient shall not commence the project scope of work until receipt of the Agency's project confirmation letter. In the event the grant recipient commences any part of the project scope of work prior to receipt of the Agency's project confirmation letter, the Agency may reject a request for payment for any and all costs incurred.

**Section 261.420 Operation and Maintenance of the Project**

- a) Grant recipients shall provide project oversight and monitoring to assure compliance with the project scope of work.

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- b) Grant recipients must operate and maintain the vehicle, equipment, and/or technology according to manufacturer specifications.

**Section 261.430 Delays and Developments**

- a) The grant recipient shall notify the Agency in writing of any problems, delays, or adverse conditions which may materially impair its ability to complete the project scope of work. This notice shall include a statement of the action taken, or contemplated to be taken, to resolve the situation. This in no way implies that any such action or delay is accepted by the Agency or relieves the grant recipient of its obligations under the grant agreement or this Part.
- b) The grant recipient shall notify the Agency of any favorable developments which may enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.
- c) This Section cannot be used to request or obtain approval of proposed minor project scope of work changes or proposed grant amendments.

**Section 261.440 State and Federal Oversight**

- a) The Agency and other entities as referenced in Subpart G of this Part shall have oversight of all grant projects performed under the ICDGP. Oversight includes, but is not limited to, access to the project work, personnel, and records in accordance with Subpart G of this Part.
- b) The Agency may request changes to the grant recipient's performance of the project scope of work as a result of its oversight of the grant project. The grant recipient must modify its performance, as requested by the Agency, within the time frame specified by the Agency.
- c) The Agency may partner with other entities to perform oversight of grant projects.

**Section 261.450 Evaluation of Performance**

The Agency shall oversee grant recipient performance in the following manner:

- a) The Agency shall evaluate the grant recipient's performance and progress towards completion of the grant project.

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- b) If the Agency's evaluation reveals that the grant recipient is not in compliance with one or more provisions of the grant agreement or this Part, the Agency shall attempt to resolve the situation through negotiation. The Agency and the grant recipient shall put any settlement reached in writing as a grant amendment or minor project scope of work change, in accordance with Section 261.390 (Amendments to Grant Agreement and Minor Project Scope of Work Changes) of this Part.
- c) If resolution is not achieved, the Agency may impose any of the remedies set forth in Subpart F of this Part.

**Section 261.460 Final Inspection**

The grant recipient shall notify the Agency in writing within 30 calendar days after completion of the project scope of work. The Agency shall conduct the final inspection within 60 calendar days after receipt of the notice of completion. If the Agency concludes at final inspection that performance of the project scope of work is deficient, the Agency shall notify the grant recipient in writing within 30 calendar days after final inspection. Within 30 calendar days after receipt of the Agency's written notice of deficiency, the grant recipient shall satisfy such deficiency and notify the Agency in writing of completion. The Agency shall schedule a follow-up inspection, or other appropriate review, within 30 calendar days after receipt of such notice.

**Section 261.470 Equipment Disposition and Recoupment**

- a) Grants under this Part are subject to applicable property disposition requirements contained in 40 CFR 30.34, 40 CFR 31.32, or 49 CFR 18.32, and the grant agreement.
- b) Subject to subsection (a), if at any time the vehicle or equipment outlined in the project scope of work is not being used for its intended purpose by the grant recipient, the grant recipient may be required to reimburse the Agency for such vehicle, equipment, and/or technology cost plus installation in accordance with a straight-line month-to-month amortization over a five year period.

## SUBPART E: REQUIREMENTS APPLICABLE TO GRANT DISBURSEMENTS

**Section 261.510 Determination of Allowable Costs**

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- a) Allowable Costs. Allowable costs are reasonable and necessary costs directly attributable to the project scope of work. Allowable costs shall be identified in the grant agreement. Categories of reasonable and necessary costs include:
  - 1) The direct purchase of eligible vehicles, equipment, or technology as specified in Sections 261.340 (Vehicle and Equipment Eligibility Criteria) or 261.350 (Technology Eligibility Criteria) of this Part, the materials necessary for installation of the eligible equipment or technology, and installation of the eligible equipment or technology;
  - 2) Costs incurred only during the grant period; and
  - 3) Other costs as determined by the Agency.
- b) Disputes Concerning Allowable Costs. Grant recipients shall seek to resolve any questions relating to cost allowability or allocation at the earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.

**Section 261.520 Use of Grant Funds and Unallowable Costs**

- a) Grant funds shall be expended solely for approved allowable costs incurred in the performance of the project scope of work.
- b) Grant recipients shall pay the unallowable costs associated with the grant project, as well as all allowable costs that exceed the amount of the grant, and shall perform the project or cause it to be performed to completion in accordance with the project scope of work within the grant period.

**Section 261.530 Disbursement of Grant Funds**

- a) Unless otherwise authorized, the Agency shall use reimbursement disbursements as the method of payment of grant funds.
- b) Disbursements are subject to appropriation by the State and the availability of cash deposited into the applicable fund from the applicable funding source.
- c) Disbursements shall be made as follows:

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- 1) Within 30 days after completion of final inspection as required by Section 261.460 of this Part, the grant recipient shall submit invoices or a final invoice to the Agency showing purchases made and services performed; and
  - 2) Unless otherwise authorized by the Agency, disbursements will be limited to either the maximum amount specified in the grant agreement or the actual allowable costs incurred, whichever is less, as evidenced by invoices or a final invoice. The Agency may withhold any disbursement for a violation of the grant agreement or this Part.
- d) Unless otherwise authorized by the Agency, grant recipients shall make prompt payment to their contractor or subcontractor prior to requesting disbursement from the Agency.
  - e) The grant recipient shall reimburse the State within 45 days the State's share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the grant recipient with respect to the grant project that are properly allocable to costs for which grant funds have been disbursed, minus any reasonable expenses incurred in securing these funds.
  - f) Unless otherwise authorized by the Agency, before payment under the grant agreement can be made:
    - 1) The Agency shall conduct a final inspection in accordance with Section 261.460 of this Part to insure that all applicable grant requirements and conditions have been satisfied; and
    - 2) Grant recipients must submit to the Agency all invoices or a final invoice, referencing the name of the organization for which the project scope of work was performed, and a cover letter indicating that the project scope of work is completed, a description of the payment made, proof of full payment, and the grant disbursement amount requested.

**Section 261.540 Agency Reimbursement**

The Agency shall be reimbursed for any grant funds disbursed which have not been spent in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705], this Part, or the grant agreement. The grant applicant must reimburse the Agency for any misspent funds.

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SUBPART F: LIABILITIES AND REMEDIES FOR FAILURE TO  
COMPLY WITH GRANT PROCEDURES**Section 261.610 Noncompliance with Grant Requirements and Procedures**

- a) In the event of noncompliance with any provision of the grant agreement or this Part, the Director may take any necessary action as provided by law or by the grant agreement against the grant recipient including, but not limited to, one or more of the following actions:
- 1) Commence legal action in a court of competent jurisdiction;
  - 2) Declare all grant funds revoked immediately and recover all grant funds;
  - 3) Terminate the grant pursuant to Section 261.630 (Grant Termination by the Agency) of this Subpart;
  - 4) Suspend all or part of the project scope of work pursuant to Section 261.620 (Project Suspension) of this Subpart; or
  - 5) Reduce the amount of the grant by the amount of misused funds.
- b) In determining whether to take action, the Agency shall, at a minimum, consider mitigating or aggravating factors, including, but not limited to, the severity and number of the violations, whether the violation is a continuing one, whether the grant recipient can remedy or has remedied the violation, and whether the grant recipient and any contractor or subcontractor remain capable of complying with the approved project scope of work.

**Section 261.620 Project Suspension**

- a) In the event of any violation of this Part or noncompliance with any provision of the grant agreement, the Agency may, by written notice and order, require the grant recipient to suspend all or any part of the project scope of work for a period of not more than 30 calendar days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the project activities to which it applies. Upon receipt of a project suspension order, the grant recipient shall immediately comply with its terms and shall minimize the

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incurrence of costs allocable to the work covered by the order during the period of suspension. Within 30 days after the date of the project suspension order, or within the period of any extension to which the parties have agreed, the Agency may:

- 1) Cancel the project suspension order upon resolution of the violation or cause leading to that project suspension order; or
  - 2) Terminate the work covered by the project suspension order, as provided in Section 261.630 (Grant Termination by the Agency) of this Subpart.
- b) If a project suspension order is cancelled or the period of the order or any extension thereof expires, the grant recipient shall resume work. An adjustment may be made in the grant period, the grant amount, or any combination of these, and the grant amended accordingly, if the grant recipient submits a written claim for such an adjustment to the Agency within 30 calendar days after the end of the project suspension. Any such adjustment is at the discretion of the Agency.
- c) All costs that are incurred by the grant recipient after the receipt of a project suspension order, or during any extension of the project suspension order period to which the Agency and the grant recipient have agreed, shall be deemed unallowable costs unless otherwise authorized by the Agency in writing.

**Section 261.630 Grant Termination by the Agency**

The Agency, by written notice to the grant recipient, may terminate the grant in whole or in part. Cause for termination shall include, but is not limited to, an Agency determination that the grant recipient has failed to make sufficient progress in performing the project scope of work, or failure by the grant recipient to comply with any provision of the grant agreement or this Part. Upon grant termination, the grant recipient shall refund any unexpended grant funds to the State, except for such portion as may be required to pay the allowable costs under an enforceable sub-agreement prior to the effective date of the termination. Within 30 days after grant termination, the grant recipient must provide to the Agency written proof of allowable costs incurred prior to the effective date of the termination.

**Section 261.640 Recovery of Grant Funds**

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If the Agency determines that any grant funds are being misspent or improperly held by the grant recipient, the Agency or the Attorney General shall have the authority to recover those funds and take any action authorized by the Illinois Grant Funds Recovery Act [30 ILCS 705].

**Section 261.650 Indemnification**

The grant recipient agrees to defend, indemnify, and hold harmless the State, its agencies, officers, employees, agents, and volunteers from any and all costs, demands, expenses, losses, claims, damages, liabilities, settlements, and judgments, including in-house and contracted attorneys' fees and expenses, caused by, arising out of, or occurring in connection with

- a) the grant or execution of any work or sub-agreement arising out of the grant,
- b) any actual or alleged death or injury to any person, damage to any property, or any other damage or loss by whomsoever suffered, claimed to result in whole or in part from the grant or execution of any work or sub-agreement arising out of the grant, or
- c) any act, activity, or omission of the grant recipient or any of its employees, representatives, contractors, subcontractors, or agents.

The grant recipient shall require any contractor or subcontractor engaged by the grant recipient to agree in writing to look solely to the grant recipient for performance of its sub-agreement with the grant recipient and for satisfaction of any and all claims arising thereunder.

**Section 261.660 Disputes Relating to Performance**

- a) Disputes relating to performance of the project scope of work that are not disposed of by agreement shall be decided by the Director, or his or her authorized representative, who shall render a decision in writing. This decision shall be furnished to the grant recipient by mail, electronic mail, facsimile, personal service, or by similar means. The decision of the Director shall be in accordance with this Part and shall be final and conclusive.
- b) Subsection (a) shall not preclude the Director from considering questions of law or equity in any decision.

**SUBPART G: REQUIREMENTS APPLICABLE TO  
ACCESS, AUDITING, AND RECORDS**

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**Section 261.710 Access**

- a) Any entity with grant oversight authority, and any representative of such entity, shall have access, during normal business hours and at any other time during which project work is being performed, to the premises where any project work is being performed. After completion of the grant project, any entity with grant oversight authority, and any representative of such entity, shall have access to the resulting grant project work for five years, during normal business hours. During any such access under this subsection, interviews of persons may be conducted.
- b) Failure by the grant recipient or any of its contractors or subcontractors, as applicable, to provide access as required by this Section after 3 business days written notice from the Agency, may be cause for termination of the grant, pursuant to Section 261.630 (Grant Termination by the Agency) of this Part, and refund to the State of any unexpended grant funds. In addition, any grant recipient, contractor, or subcontractor, as applicable, found in noncompliance with this Section shall repay any grant funds in accordance with Section 261.640 of this Part.

**Section 261.720 Audit and Records**

- a) The grant recipient, its contractors and subcontractors as applicable, shall maintain books, records, documents, reports, papers, agreements, sub-agreements, and other evidentiary material and accounting procedures and practices (hereinafter collectively referred to as "records") as required by the grant agreement and any applicable law or regulation, and consistent with generally accepted accounting standards.
- b) For purposes of this Section, "records" shall include, but not be limited to, the following:
  - 1) Documentation of the receipt and disposition by the grant recipient of all grant funds received for the project, including both grant financial assistance and any matching share or cost share; and
  - 2) Documentation of the costs charged to the grant project, including all direct and indirect costs of whatever nature incurred for the performance of the project scope of work for which the grant has been provided.

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- c) The grant recipient's facilities, or any facilities engaged in the performance of the grant project, and the grant recipient's records, including any contractor or subcontractor's records as applicable, shall be subject to inspection and audit by any entity with grant oversight authority, and any representative of such entity, at the times specified in Section 261.710 (Access) of this Subpart.
- d) The grant recipient, its contractors and subcontractors as applicable, shall preserve and make its records available to any entity with grant oversight authority, and any representative of such entity, for the following record retention periods:
  - 1) Five years from the date of final payment under the grant or submission of final expenditure under the grant, whichever is later; or
  - 2) Any longer period required by law or by subsections (e) or (f) of this Section.
- e) If the grant is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for the applicable record retention period as specified by subsection (d) after any resulting final termination settlement.
- f) If any dispute, litigation, claim, negotiation, audit, or other action involving the records has been started before expiration of the applicable record retention period specified in subsection (d), the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the applicable record retention period, whichever is later.
- g) Failure of the grant recipient or its contractors or subcontractors, as applicable, to make records available as required by this Section after 3 business days written notice from the Agency may be cause for termination of the grant, pursuant to Section 261.630 (Grant Termination by the Agency) of this Part, and refund to the State of any unexpended grant funds. In addition, any grant recipient, contractor, or subcontractor, as applicable, found in non-compliance with this Section shall repay any grant funds in accordance with Section 261.640 of this Part.
- h) The rights of access under this Section are not limited to the applicable record retention period, but shall last as long as the records are retained.

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- i) The grant recipient, its contractors and subcontractors as applicable, shall comply with any investigations and interviews relating to the grant project and records relating thereto.

**Section 261.730 Single Audit Act**

Grant recipients, their contractors and subcontractors as applicable, shall comply with the provisions of the Single Audit Act (31 USC 7501 et seq.), as applicable, and inspections and investigations pertaining thereto.

**Section 261.740 Reporting**

- a) Grant recipients must provide any and all reports specified by the Agency in the grant agreement and must provide such reports in the time frame specified by the Agency. Grant recipients must comply with any and all other applicable State or federal reporting requirements.
- b) Grant recipients must cooperate with the Agency in fulfillment of the Agency's reporting requirements which relate to the grant, including any State or federal reporting requirements which may apply. Grant recipients must provide the information requested by the Agency in the time frame specified by the Agency.
- c) Noncompliance with this Section shall be grounds for termination of the grant in accordance with Section 261.630 (Grant Termination by the Agency) of this Part.

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- 1) Heading of the Part: Heartsaver AED Grant Code
- 2) Code Citation: 77 Ill. Adm. Code 530
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
530.100	Amended
530.200	Amended
530.300	Amended
530.400	Amended
530.500	Amended
530.600	Amended
530.700	Amended
- 4) Statutory Authority: Section 2310-371.5 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-371.5]
- 5) Effective Date of Rulemaking: March 2, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12076
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: The following changes were made during First Notice in response to comments and suggestions of JCAR:
  1. Section 530.100 – "[20 ILCS 2310]" was added at the end of the definition of "Act".
  2. Section 530.100 – in the definition of "Applicant", after "recreation", "district" was changed to "department".
  3. Section 530.300(a), "Be" was added and "be" was stricken.

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4. Section 530.500(c)(1), "address" was added after "e-mail.
  5. Section 530.600(e), "are" was added and "were" was stricken.
  6. Through the entire document, eight references to "33 Ill. Reg." were changed to "34 Ill. Reg.".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
  - 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
  - 14) Are there any amendments pending on this Part? No
  - 15) Summary and Purpose of Rulemaking: Public Act 95-0721 renumbered and amended Section 371 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois regarding the Heartsaver AED Fund Grant Program. The revised law expands the eligibility for the grant program to include: private schools, colleges and universities; forest preserve districts; conservation districts; and municipal recreation departments. The legislation also eliminated the requirement that eligible applicants be required to have an automated external defibrillator pursuant to the Physical Fitness Facility Medical Emergency Preparedness Act.
  - 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, 5<sup>th</sup> Floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 530  
HEARTSAVER AED GRANT CODE

Section	
530.100	Definitions
530.200	Referenced Materials
530.300	Eligibility for Grants
530.400	Grant Requirements
530.500	Application Requirements
530.600	Review of Applications
530.700	Use of Grant Funds
530.800	Termination
530.900	Denial, Suspension or Revocation
530.1000	Grant Funds Recovery
530.1100	Hearings

AUTHORITY: Implementing and authorized by Section 2310-371 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-371].

SOURCE: Adopted at 30 Ill. Reg. 12288, effective June 28, 2006; amended at 34 Ill. Reg. 3622, effective March 2, 2010.

**Section 530.100 Definitions**

Act – the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [\[20 ILCS 2310\]](#).

*[Applicant – an Illinois school, public park district, forest preserve district, conservation district, municipal recreation department, college, or university that is applying for a grant under this Part. \(Section 2310-371.5 of the Act\)](#)*

*Automated External Defibrillator (AED) – a medical device heart monitor and defibrillator that:*

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*has received approval of its pre-market notification, filed pursuant to 21 USC 360(k), from the United States Food and Drug Administration;*

*is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;*

*upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual or charges and delivers an electrical impulse at the command of the operator; and*

*in the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode. (Section 10 of the Automated External Defibrillator Act)*

Department – the Illinois Department of Public Health.

Director – the Director of the Illinois Department of Public Health.

~~Division – the Division of Emergency Medical Systems and Highway Safety, Department of Public Health.~~

Fund – the Heartsaver AED Fund in the State Treasury.

Grant Recipient – an Illinois school, public park district, forest preserve district, conservation district, municipal recreation department, college, or university that receives a grant under this Part. (Section 2310-371.5 of the Act)

~~Physical fitness facility or facility – includes any indoor establishment that meets all of the following requirements:~~

~~In whole or in part, is owned or operated by a park district or by a public elementary or secondary school, college, or university.~~

~~Is supervised by one or more persons, other than maintenance or security personnel, employed by the park district or public school, college, or university for the purpose of directly supervising the physical fitness~~

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~~activities taking place at any indoor facilities listed in this definition.  
(Section 5.25 of the Physical Fitness Facility Medical Emergency Preparedness Act)~~

~~Serves a total of 100 or more individuals. In calculating the number of individuals served by a facility, the greater of the seating capacity, the capacity of the facility under applicable fire code, pool, or similar standards, or the number of members of the facility shall be included in the final determination. The number of members of the facility includes the complete facility membership, whether or not these members are present at the facility at the same time.~~

~~Is a swimming pool; stadium; athletic field; track and field facility; tennis court; basketball court; volleyball court; aerobics studio; dance studio; boxing gym; martial arts or self-defense studio; wrestling gym; weight-lifting facility; treadmill or stationary bicycle facility; velodrome; raequetball court; gymnastics facility; or any other indoor establishment focusing primarily on cardiovascular exertion where participants engage in relatively continuous active physical exercise that uses large muscle groups and that substantially increases the heart rate.~~

(Source: Amended at 34 Ill. Reg. 3622, effective March 2, 2010)

**Section 530.200 Referenced Materials**

The following materials are referenced in this Part:

- a) Illinois Statutes
  - ~~1)~~ ~~Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]~~
  - 12) Automated External Defibrillator Act [410 ILCS 4]
  - 23) Illinois Grant Funds Recovery Act [30 ILCS 705]
- b) Illinois Administrative Rules

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- 1) ~~Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)~~
- 12) Automated External Defibrillator Code (77 Ill. Adm. Code 525)
- 23) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Amended at 34 Ill. Reg. 3622, effective March 2, 2010)

**Section 530.300 Eligibility for Grants**

~~To~~**In order to** be eligible to receive a grant from the Fund, the applicant ~~shall~~**must** meet all of the following criteria:

- a) ~~Be~~ **Must be** *Illinois school, public park district, forest preserve district, conservation district, municipal recreation department, college, or university* ~~a public school, public park district, public college or public university; (Section 2310-371.5 of the Act); and~~
- b) ~~Must meet the definition of physical fitness facility in Section 530.100 of this Part; and~~
- be) *Demonstrate that they have the funds to pay 50% of the cost of the AEDs for which matching grant moneys are sought* ~~Must be willing and able to pay 50 percent of the total cost of an AED as that cost is determined by the State Master Contract or in the absence of a State Master Contract as determined by the Department; (Section 2310-371.5 of the Act).~~

(Source: Amended at 34 Ill. Reg. 3622, effective March 2, 2010)

**Section 530.400 Grant Requirements**

- a) Grant recipients ~~shall~~**must** comply with all applicable provisions of ~~the Physical Fitness Facility Medical Emergency Preparedness Act, the Physical Fitness Facility Medical Emergency Preparedness Code,~~ the Automated External Defibrillator Act and the Automated External Defibrillator Code.

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- b) Grant recipients shall match the grant award received and shall spend the grant award on the purchase of an AED to be ~~used by~~housed at the ~~grant recipient~~facility.
- c) Grant recipients shall return a signed contract to the Department in the specified time period and shall comply with the provisions of the contract.

(Source: Amended at 34 Ill. Reg. 3622, effective March 2, 2010)

**Section 530.500 Application Requirements**

- a) Applications ~~shall~~may be submitted to the Department through the website established for this purpose or at the following address:

Heartsaver AED Grants  
Illinois Department of Public Health  
Division of Emergency Medical Systems & Highway Safety  
500 East Monroe Street, 8<sup>th</sup> Floor  
Springfield IL 62701

- ~~b)~~ Faxed and e-mailed applications will not be accepted.

- ~~c)~~ Applications shall be submitted on the form prescribed by the Department and shall include, at a minimum, the following:

- 1) The name, address, e-mail address and phone number of the primary contact and the secondary contact designated by the ~~applicant~~facility to be responsible for administering the grant funds;~~:-~~
- 2) The Federal Employer Identification Number (FEIN) for the applicant;  
~~and 2) An agreement that the organization submitting the application is required to have an AED pursuant to the Physical Fitness Facility Medical Emergency Preparedness Act.~~
- 3) An agreement by the applicant that, if awarded a grant, the grant will be matched by the ~~grant recipient~~facility.

(Source: Amended at 34 Ill. Reg. 3622, effective March 2, 2010)

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**Section 530.600 Review of Applications**

- a) The grant cycle runs from July 1-June 30. ~~Applications for grants from the Fund may be submitted to the Department beginning on July 1~~ of each year.
- b) ~~The Department will review applications~~ Applications will be reviewed by the Department for compliance with the requirements of this Part. During the course of its review, the Department may contact the applicant for additional information if the information provided is incomplete, inconsistent or unclear.
- c) Applicants whom the Department determines not to be eligible for grant funds will be notified in writing of this decision.
- d) Distribution of grants is dependent on available funding. Available grant funds will be distributed on a "first come, first served" basis, based on when the Department received the completed application ~~was received by the Department~~. If the Department receives several completed applications ~~are received by the Department~~ on the same date and funds are not available to award each of these applicants, a random selection drawing of applications will be used to determine grant recipientsawardees.
- e) Applicants ~~shall~~must submit a new application each State fiscal year ~~in order~~ to be considered for funding. Applications are only applicable to the State fiscal year in which the applications ~~are~~were received.

(Source: Amended at 34 Ill. Reg. 3622, effective March 2, 2010)

**Section 530.700 Use of Grant Funds**

- a) The entire amount of the grant award, plus matching funds from the facility, shall be used to purchase an AED ~~to be kept in that facility~~. AEDs shall be used at facilities owned or controlled by the grant recipient or at events authorized by the grant recipient that are held at facilities owned or controlled by the grant recipient.
- b) ~~Grants are limited to one AED per eligible physical fitness facility. Any school, public park district, forest preserve district, conservation district, municipal recreation department, college or university applying for the grant shall not receive more than one grant from the Heartsaver AED Fund each fiscal year.~~ (Section 2310-317.5 of the Act).

(Source: Amended at 34 Ill. Reg. 3622, effective March 2, 2010)

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- 1) Heading of the Part: Illinois Regenerative Medicine Institute Code
- 2) Code Citation: 77 Ill. Adm. Code 995
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
995.10	New
995.15	New
995.60	New
995.70	New
995.80	New
995.90	New
995.100	New
995.110	New
995.130	New
995.140	New
995.150	New
995.160	New
- 4) Statutory Authority: Implementing and authorized by the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310] and the Stem Cell Research and Human Cloning Prohibition Act [410 ILCS 110]
- 5) Effective Date of Rulemaking: March 5, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 15355; November 13, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in response to comments and suggestions of JCAR:
  1. In Section 995.60(b), "a specific type of grant" was changed to "grants".

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2. In Section 995.80(f), "purchases or sells embryonic or cadaveric fetal tissue for research purposes" was italicized and "(Section 45(a) of the Act)" was added after the period.
  3. In Section 995.90(e)(1), ", patient or participant" was added after "donor".
  4. In Section 995.90(f), subsections (1) through (4) were deleted and replaced with the following text: "No cash or in-kind payments shall be provided for the solicitation or donation of blastocysts, gametes or somatic cells for research purposes or of somatic cells for use in nuclear transfers."
  5. In Section 995.150(c)(5), "and" was deleted.
  6. In Section 995.150(c)(6), the period was changed to "; and".
  7. The following new subsection (c)(7) was added in Section 995.150:
    - "7) A description of the grantee's compliance with *current best practices with respect to medical ethics* set forth in Section 995.90 including *informed consent of patients and the protection of human subjects*. (Section 15(c)(5) of the Act)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements the Stem Cell Research and Human Cloning Prohibition Act [410 ILCS 110], which established the Illinois Regenerative Medicine Institute within the Illinois Department of Public Health to provide for grant awards to Illinois medical research institutions. The Act states that the purposes of the grant program are: 1) to improve the health of the citizens of Illinois through stem cell research; 2) to support scientific research in Illinois for which funding from the U.S. government might be restricted; 3) to improve the national competitive position of Illinois in the field of regenerative medicine; and 4) to promote the translation of stem cell research into clinical practice and the transfer of technology to biomedical

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and technological industry. The rules include: definitions; incorporated and referenced materials; types of grant programs; eligibility for grants; conditions on use and disbursement of grant funds; research requirements and limitations; applications; application review process; grant awards; grant agreements; post-grant monitoring and compliance; and suspension, termination and recovery of grant awards.

- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson St., 5<sup>th</sup> Floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

The full text of the Adopted Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 995  
ILLINOIS REGENERATIVE MEDICINE INSTITUTE CODE

Section	
995.10	Definitions
995.15	Incorporated and Referenced Materials
995.60	Grant Programs
995.70	Eligibility for Grants
995.80	Conditions on Use and Disbursement of Grant Funds
995.90	Research Requirements and Limitations
995.100	Application for Grant
995.110	Application Review Process
995.130	Award of Grants
995.140	Grant Agreements
995.150	Post-Grant Monitoring and Compliance
995.160	Suspension, Termination and Recovery of Grant Awards

**AUTHORITY:** Implementing and authorized by the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310] and the Stem Cell Research and Human Cloning Prohibition Act [410 ILCS 110].

**SOURCE:** Adopted at 34 Ill. Reg. 3630, effective March 5, 2010.

**Section 995.10 Definitions**

"Androgenetic human embryos" means embryos created from a male spermatozoon without genetic contribution from a female.

"Applicant" means an eligible institution that has submitted an application for an award of a grant pursuant to this Part for the purpose of conducting stem cell research in Illinois.

"Biotechnology start-up company" means a new company that makes use of microorganisms to achieve a result.

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"Blastocyst" means a preimplantation embryo of 30-100 cells. The blastocyst consists of a sphere made up of an outer layer of cells (the trophoctoderm), a fluid-filled cavity (the blastocoel), and a cluster of cells on the interior (the inner cell mass).

"Cell division" means a method by which a single cell divides to create two cells. This continuous process allows a population of cells to increase in number or maintain its numbers.

"Chimera" means an organism derived from more than one fertilized cell.

"Department" means the Illinois Department of Public Health.

"Differentiated cell" means a cell in which the level of organization or complexity has developed into a specialized function.

"Embryo" means a fertilized ovum from the time of fertilization until the end of the eighth week of gestation.

"Embryonic stem cell research" means research on embryonic stem cells.

"Embryonic stem cells" means pluripotent stem cells derived from the inner cell mass of a blastocyst that have the potential to become a wide variety of specialized cell types.

"ESCRO committee" means the Embryonic Stem Cell Research Oversight committee that provides ethical and legal oversight at institutions working with human embryonic stem cell lines.

"Experiment" means a test under controlled conditions that is made to demonstrate a known truth, to examine the validity of a hypothesis, or to determine the efficacy of something previously untried.

"FDA" means the United States Food and Drug Administration.

"Gamete" means a sperm or oocyte.

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"Grant" means the award of funds under the Illinois Regenerative Medicine Institute (IRMI) program to an eligible applicant to conduct stem cell research in Illinois.

"Grant agreement" means the agreement entered into between the Department and a grantee setting forth the terms and conditions of a grant award.

"Grantee" means an institution receiving a grant.

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996 and the Standards for Privacy of Individually Identified Health Information (Privacy Rule).

"Human embryonic stem cells" means embryonic stem cells derived from a human blastocyst.

"Human subject" means a living individual from whom an investigator, whether professional or student, conducting research obtains data or tissue through either intervention or interaction with the individual, or identifiable private information.

"Illinois Regenerative Medicine Institute" or "IRMI" or the "Institute" means a program of the Department to award research grants.

"Illinois Regenerative Medicine Institute Oversight Committee" or "Committee" means the group that determines the awards of the Institute's grant program, among other duties.

"Institution" means a corporation, association, partnership, nonprofit organization, governmental entity or other legal entity that conducts stem cell research.

"Institutional Animal Care and Use Committee" or "IACUC" means the committee providing oversight at an institution that uses animals as part of federally funded laboratory research.

"Institutional Research Committee" or "IRC" means the committee appointed by an institution to provide continuing oversight of the activities of an IRMI funded project.

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"Institutional Review Board" or "IRB" means any board, committee or other group formally designated by an institution to conduct an initial review of, to approve the initiation of, and to conduct periodic review of all biomedical research involving human subjects.

"Intellectual property" means a creation of the mind that is unique, novel and unobvious, and has commercial value.

"Investigator" means a person conducting or assisting in the performance of stem cell research.

"In vitro" means a process or reaction occurring in an artificial environment such as a test tube or culture medium.

"In vitro fertilization" means a procedure in which fertilization of an egg with a sperm is accomplished outside the living organism.

"Lobbying" means any communication with the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer or State Comptroller, their chiefs of staff, their cabinet members including Directors, Assistant Directors and Chief Legal Counsels or General Counsels, or Members of the General Assembly for the ultimate purpose of influencing executive, legislative or administrative action.

"Medical research" means basic or applied research conducted to aid the body of knowledge in the field of medicine.

"Nonprofit" means an institution exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

"Nonprofit medical research institution" means a corporation, association, partnership, nonprofit organization, governmental entity or other legal entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and conducts basic or applied research to aid the body of knowledge in the field of medicine.

"Parthenogenetic human embryos" means embryos created solely from a female oocyte without genetic contribution from a male.

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"Pluripotent" means the ability of a single stem cell to develop into many different cell types of the body.

"Principal investigator" means the person with primary responsibility for conducting a stem cell research project.

"Progenitor cell" means an early descendant of a stem cell that can differentiate, but cannot renew itself as a stem cell can.

"Project period" means the period in which a research project funded by a grant is to be completed.

"Reproductive cloning" means somatic cell nuclear transfer used for the production of a fetus and delivery of a live offspring that is genetically identical to the donor of the somatic cell DNA.

"Request for applications" or "RFA" means the announcement of the details of the application process for stem cell grants.

"Research donor" means an individual who donates to research any number of blastocysts that remain after clinical care at the time of the original harvesting.

"Scientific Review Panel" or "Panel" means a group of stem cell researchers from outside Illinois, chosen by the Department.

"Somatic cell nuclear transfer" means a technique in which the nucleus of a somatic cell is injected or transferred into an egg that has had its nucleus removed.

"Somatic stem cell", also called adult stem cell, means an undifferentiated cell that can become a specialized cell type of the tissue from which it came.

"Stem cell" means a cell with the ability to divide for indefinite periods in culture and to give rise to specialized cells, and includes, without limitation, somatic stem cells, cord blood stem cells, pluripotent stem cells, totipotent stem cells, progenitor cells, the product of somatic cell nuclear transfer, and any combination of these cells.

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"Stem cell line" means a family of constantly dividing cells, the product of a single parent group of stem cells.

"Stem cell research" means scientific investigation and study into the nature and properties of stem cells, the transformation of stem cells into specialized cells, the development of stem cell lines, the growth of stem cells in vitro, or the possible uses of stem cells to cure or reduce the effects of disease, disabilities or physical conditions or maladies.

"TIN" means the nine-digit federal taxpayer identification number assigned to an institution by the Internal Revenue Service, also known as the federal employer identification number or governmental unit code.

"Totipotent stem cell" means a cell that can give rise to all cell types that are found in an embryo, fetus or developed organism, including the embryonic components of the trophoblast and placenta required to support development and birth. The zygote and the cells at the very early stages following fertilization are considered totipotent.

"Undifferentiated cell" means a cell in which the level of organization or complexity has not yet developed into a specialized function.

**Section 995.15 Incorporated and Referenced Materials**

- a) The following federal statutes are referenced in this Part:
- 1) Americans With Disabilities Act of 1990 (42 USC 126)
  - 2) Animal Welfare Act (7 USC 2131-56)
  - 3) Davis-Bacon Act (40 USC 276a)
  - 4) Health Insurance Portability and Accountability Act of 1996 (42 USC 1320d-2)
  - 5) Internal Revenue Code (26 USC 501)
  - 6) Occupational Health and Safety Act of 1970 (29 USC 15)

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- b) The following federal regulations are incorporated in this Part:
- 1) Attending Veterinarian and Adequate Veterinarian Care, United States Department of Agriculture (9 CFR 2.33), January 1, 2008
  - 2) Institutional Animal Care and Use Committee (IACUC), United States Department of Agriculture (9 CFR 2.31), January 1, 2008
  - 3) Protection of Human Subjects, United States Department of Health and Human Services (21 CFR 50), April 1, 2008
  - 4) Standards for Privacy of Individually Identified Health Information (Privacy Rule), United States Department of Health and Human Services (45 CFR 160 and 164), October 1, 2007
- c) The following federal guidelines are incorporated in this Part:
- 1) The following guidelines, which are available from the National Academies of Science at The National Academies Press, 500 Fifth Street NW, Lockbox 285, Washington DC 20055 or on-line at: [http://www.nap.edu/catalog.php?record\\_id=12553](http://www.nap.edu/catalog.php?record_id=12553)
    - A) Guidelines for Human Embryonic Stem Cell Research (2005)
    - B) 2007 Amendments to the Guidelines for Human Embryonic Stem Cell Research
    - C) 2008 Amendments to the Guidelines for Human Embryonic Stem Cell Research
  - 2) Public Health Service Policy on Humane Care and Use of Laboratory Animals (2002), available from the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892
- d) All incorporations by reference of federal regulations and guidelines in this Part refer to the regulations and guidelines on the date specified and do not include any amendments or editions subsequent to the date specified.
- e) The following Illinois statutes and administrative rules are referenced in this Part:

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- 1) Administrative Review Law [735 ILCS 5/Art. III]
- 2) Drug Free Workplace Act [30 ILCS 580]
- 3) Illinois Grant Funds Recovery Act [30 ILCS 705]
- 4) Illinois Human Rights Act [775 ILCS 2]
- 5) Department of Public Health's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

**Section 995.60 Grant Programs**

- a) Grants shall be made from funds appropriated by the General Assembly for the purpose of stem cell research. Unless the General Assembly designates funds for specific types of research or grants, the Committee will award grants including, but not limited to, those for single projects, multiple projects, and projects that support early and conceptual stages of innovative ideas. The Committee may award extensions or continuations to previous grantees in accordance with Section 995.70.
- b) As funds are made available for grants, the Institute will solicit applications for those grants by posting a request for applications (RFA) notice of the availability on the Department's web site and by sending notices to Illinois colleges, universities and research institutions. The RFA will include key dates, eligibility, types of grants, amount of grants, amount of permitted indirect cost, a summary of the review process, and the criteria used for the evaluation of the applications as indicated in Section 995.110(d).

**Section 995.70 Eligibility for Grants**

- a) Applicants shall be nonprofit medical research institutions with their principal place of business located in Illinois.
- b) All research funded by grants shall be conducted in Illinois.
- c) Each applicant involved in human embryonic stem cell research funded by IRMI shall establish an Embryonic Stem Cell Research Oversight (ESCRO) committee,

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in accordance with the Guidelines for Human Embryonic Stem Cell Research. The ESCRO committee shall include representatives of the public and persons with legal and ethical expertise in developmental biology, stem cell research, molecular biology, assisted reproduction, or ethical and legal issues in embryonic stem cell research. The ESCRO committee shall conduct its own review, including, where necessary, management of various other reviews required for a particular protocol. This provision does not preclude the establishment of a joint ESCRO committee that would assume oversight responsibilities for two or more research institutions, provided that the ESCRO committee has oversight authority for each institution consistent with the requirements of this Part.

**Section 995.80 Conditions on Use and Disbursement of Grant Funds**

- a) The grantee is responsible for assuring that the investigators fulfill the grant requirements and the requirements for the fiscal and legal management of a project that is funded with a grant.
- b) All grants shall be subject to all requirements and limitations imposed by Illinois law, including, without limitation, the Illinois Grant Funds Recovery Act.
- c) Each institution receiving a grant shall establish an IRC to review the institution's activities during the grant period. The IRC shall meet at least quarterly and hear reports from the institution's projects. The IRC shall include scientists, ethicists and community representatives, including organizations supporting medical conditions likely to be investigated by stem cell research.
- d) Project funds shall be used for the direct cost of administering, operating and maintaining a project and for an amount of indirect costs as announced by the Department in its RFA. The direct costs permitted include, but are not limited to:
  - 1) Personal services costs, including gross salaries and employer-paid benefits for full-time and part-time employees on the project;
  - 2) Contractual services costs, including, but not limited to, fees for consultants and specialists, exclusive of consultant services for patient care; conference registration fees; repair and maintenance of furniture and equipment; postage and postal services; subscriptions to periodicals; training and education costs; software; and telecommunications costs;

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- 3) Travel costs, which are the expenses for transportation, lodging and subsistence for personnel who are on travel status on official business related to the IRMI grant. Out-of-state travel requires prior written approval of the Department;
  - 4) Supplies/commodities as required in the operation of the project that are directly related to its operation. Supplies include, but are not limited to, office, medical and educational supplies; equipment items costing less than \$100 each; printing; and paper; and
  - 5) Equipment directly related to the operation of the project. Equipment is defined as items costing over \$100 each, with a useful life of more than one year. Equipment costs shall include all freight and installation costs. Purchase of equipment items, other than those included in the approved budget, requires prior written approval from the Department.
- e) No grant funds shall be used for facility construction or lobbying.
  - f) No grant funds shall be awarded to any person who knowingly *purchases or sells embryonic or cadaveric fetal tissue for research purposes*. (Section 45(a) of the Act) Funds may be used to pay customary medical charges for the removal, processing, disposal, preservation, quality control, storage, transplantation or implantation of the tissue.
  - g) Payments for the purchase of stem cells and stem lines for the purpose of research under this Part shall be limited to payment for removal, processing, disposal, preservation, quality control, storage, transplantation, implantation and legal transaction and other administrative costs associated with these medical procedures and shall specifically include any required payments for medical or scientific technologies, products and processes for royalties, patents, licensing fees and other costs for intellectual property.
  - h) Requests for budget adjustments shall be submitted to the Department in writing no later than 45 calendar days before the end of the grant agreement period.
  - i) No grant funds shall be disbursed for costs incurred more than two years after the start of the project period. Any grant funds not expended or legally obligated by the end of the project period shall be returned to the Department within 45 days after the end of the project period, if the funds are not already on deposit with the

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Department or the State Treasurer. Returned funds shall be deposited into the fund from which the original grant disbursement to the grantee was made.

- j) Grant funds shall not be provided for:
- 1) Research involving the reproductive cloning of a human being;
  - 2) Research involving fetuses from induced abortions; and
  - 3) Research involving the creation of embryos through the combination of gametes solely for the purpose of research.

**Section 995.90 Research Requirements and Limitations**

All grantees shall comply with the following requirements in the course of performing stem cell research funded by a grant under this Part:

- a) All research shall be undertaken according to the National Academies of Science Guidelines for Human Embryonic Stem Cell Research. The research shall be approved by the ESCRO committee and submitted with the application. Any changes from the National Academies of Science Guidelines for Human Embryonic Stem Cell Research shall be submitted to the Department prior to implementation to assure compliance with this Part and the grant agreement. Any use of human embryonic stem cells shall be consistent with the National Academies of Science Guidelines for Human Embryonic Stem Cell Research.
- b) All research shall at all times comply with all applicable federal laws, including, but not limited to, the Occupational Health and Safety Act and HIPAA, and the following federal regulations: Institutional Animal Care and Use Committee (IACUC) and Attending Veterinarian and Adequate Veterinarian Care. Grantees shall comply with the U.S. Department of Health and Human Services regulations titled Protection of Human Subjects and the U.S. Department of Agriculture regulations titled Attending Veterinarian and Adequate Veterinarian Care and Institutional Animal Care and Use committee (IACUC) (see Section 995.15).
- c) Grantees shall be responsible for supervising their investigators to ensure that they conduct themselves in accordance with the grant agreement and professional standards.

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- d) The project period shall be up to 24 months.
- e) Grantees shall obtain the informed consent of all research donors, patients and participants, including a new consent from individuals who had indicated their intent to donate to research any blastocysts that remain after clinical care at the time of the original harvesting. Donors shall be informed that they retain the right to withdraw consent until the blastocysts are actually used in cell line derivation. A research project's informed consent procedures shall satisfy each of the following requirements:
  - 1) In seeking informed consent, the following information shall be provided to each research donor, patient or participant:
    - A) A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures that are experimental;
    - B) A description of any reasonably foreseeable risks or discomforts to the donor;
    - C) A description of any benefits to the donor or to others that may reasonably be expected from the research;
    - D) A disclosure of appropriate alternative options pertaining to use of the embryos;
    - E) A statement describing the extent, if any, to which confidentiality of records identifying the donor will be maintained;
    - F) For research involving more than minimal risk, an explanation as to whether any compensation and an explanation as to whether any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained;
    - G) An explanation of whom to contact for answers to pertinent questions about the research and research donors' rights, and whom to contact in the event of a research-related injury to the donor; and

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- H) A statement that participation or donation is voluntary; that refusal to participate and/or donate will involve no penalty or loss of benefits to which the donor is otherwise entitled; and that the donor may discontinue participation at any time without penalty or loss of benefits to which the donor is otherwise entitled.
- 2) When appropriate, the following additional elements of information shall also be provided to each research donor:
    - A) Anticipated circumstances under which the donor's participation in the research may be terminated without the donor's consent;
    - B) The consequences of the donor's decision to withdraw from the research, and procedures for the donor's orderly termination of participation; or
    - C) Significant new findings developed during the course of the research that may relate to the donor's willingness to continue participation.
  - 3) The grantee shall develop the precise form of the informed consent specifically for the particular study protocol or procedure for which the consent is being sought, and the informed consent form shall be approved by the grantee's ESCRO committee.
  - 4) The language in the informed consent shall be clear and understandable.
  - 5) When donor gametes have been used in the in vitro fertilization process, resulting blastocysts shall not be used for research without consent of all gamete donors.
  - 6) The informed consent shall otherwise conform to the requirements for research funded by the National Institutes of Health and be consistent with the Guidelines for Human Embryonic Stem Cell Research published by the National Academies of Science (see Section 995.15).
- f) Financial Incentives Prohibited

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No cash or in-kind payments shall be provided for the solicitation or donation of blastocysts, gametes or somatic cells for research purposes or of somatic cells for use in nuclear transfers.

## g) Standards of Clinical Care

- 1) Consenting or refusing to donate gametes or blastocysts for research shall not affect or alter in any way the quality of care provided to prospective donors. Clinical staff shall provide care to patients without prejudice regarding their decisions about disposition of their embryos.
- 2) Researchers shall not ask members of the infertility treatment team to generate more oocytes than necessary for the optimal chance of reproductive success. An infertility clinic or other third party responsible for obtaining consent or collecting materials is not to pay for or be paid for the material obtained (except for specifically defined cost-based reimbursements and payments for professional services).

## h) Privacy and Confidentiality

- 1) Grantees shall at all times ensure that donors' personal health information is protected and kept confidential. Investigators and institutions shall comply with applicable laws, including, but not limited to, HIPAA.
- 2) Grantees shall ensure that authorizations are received from donors, as required by HIPAA, for the confidential transmission of personal health information to repositories or to investigators who are using embryonic stem cell lines derived from donated materials.
- 3) When the FDA requires that the identity of the donor source be preserved, investigators and institutions shall ensure that the confidentiality of the donor is protected; that the donor understands that the donor's identity will be maintained; and that, where applicable, human subject protections as defined in HIPAA are followed.

## i) Derivation of Stem Cell Lines

- 1) Requests from the investigators to the ESCRO committee for permission to attempt derivation of new embryonic stem cell lines from donated

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embryos or blastocysts or from any other source or by another procedure not previously approved by the IRB shall include the IRB's written approval of the procurement process.

- 2) The investigator shall present the scientific rationale for the need to generate new embryonic stem cell lines, by whatever means, to the ESCRO committee, and the investigators shall justify the basis for the numbers of embryos and blastocysts needed.
  - 3) Blastocysts made using nuclear transfer (whether produced with human or nonhuman oocytes) and parthenogenetic or androgenetic human embryos shall not be transferred to a human or nonhuman uterus and shall not be cultured as intact embryos in vitro.
  - 4) Cells shall not be extracted from blastocysts more than 12 days after cell division begins, not counting any time during which the blastocysts or cells have been stored frozen.
  - 5) Investigators shall document how they will characterize, validate, store and distribute the new embryonic stem cell lines and how they will maintain the confidentiality of any coded or identifiable information associated with the lines.
- j) Storage and Distribution of Stem Cell Lines
- 1) Cell lines derived or modified in any way with IRMI grant funds shall be deposited in a bank in a timely manner as defined in the grant agreement. Grantees shall allow stem cell lines to be shared with other investigators.
  - 2) Grantees that are banking or plan to bank embryonic stem cell lines shall establish uniform guidelines to ensure that records are maintained about all aspects of cell culture, and shall establish uniform tracking systems and common guidelines for distribution of cells.
  - 3) Grantees engaged in obtaining and storing embryonic cell lines shall:
    - A) Create a committee for policy and oversight purposes and create clear and standardized protocols for banking and withdrawals.

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- B) Establish documentation requirements for investigators and sites that deposit cell lines, including:
- i) Providing a copy of the donor consent form;
  - ii) Providing proof of written approval of the procurement process by the depositor's IRB and the grantee's IRB;
  - iii) Providing available medical information on the donors, including results of infectious disease screening;
  - iv) Providing available clinical, observational or diagnostic information about the donors;
  - v) Providing critical information about culture conditions (such as media, cell passage and safety information); and
  - vi) Providing available cell lines characterization (such as karyotype and genetic markers).
- C) Establish a secure system for protecting the privacy of donors when materials retain information that could lead to the identification of the patient, including, but not limited to:
- i) A schema for maintaining confidentiality, such as a coding system;
  - ii) A system for a secure audit trail from primary cell lines to those submitted to the repository, which identifies all individuals who have accessed the information; and
  - iii) A policy governing whether and how to deliver clinically significant information to donors.
- D) Establish the following standard practices:
- i) A process for assignment of a unique identifier to each sample;

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- ii) A process for characterizing cell lines;
  - iii) A process for expanding, maintaining and storing cell lines;
  - iv) A system for quality assurance and control;
  - v) A website that contains specific descriptions and data related to the cell lines available;
  - vi) A procedure for reviewing applications for cell lines;
  - vii) A process for tracking disbursed cell lines and recording their status when shipped, including number of times the stem cell line has been subcultured or transferred;
  - viii) A system for auditing compliance;
  - ix) A schedule of charges;
  - x) A statement of intellectual property policies;
  - xi) A process to create a material transfer agreement or user agreement;
  - xii) A liability statement; and
  - xiii) A system for disposal of material.
- E) Establish clear criteria for distribution of cell lines, including, but not limited to, written approval of the research by the ESCRO committee or equivalent body at the recipient institution.
- k) Research Use of Stem Cell Lines
- 1) Once stem cell lines have been derived, investigators and grantees shall monitor their use in research.
  - 2) Grantees shall require documentation of the source of all stem cell lines, including whether the cells were imported into the institution or generated

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locally. The investigator's notice to the institution shall include evidence of written IRB approval of the procurement process, and adherence to Guidelines for Human Embryonic Stem Cell Research. In the case of lines imported from another institution, documentation that these criteria were met at the times of derivation will suffice.

- 3) Each grantee shall maintain a registry of its investigators who are conducting stem cell research.
  - 4) The investigators shall submit all protocols involving the combination of embryonic stem cells with nonhuman embryos, fetuses or adult animals to the ESCRO committee for consideration of the consequences of the human contributions to the resulting chimeras.
  - 5) The ESCRO committee shall review experiments in which embryonic stem cells, their derivatives or other pluripotent cells are introduced into nonhuman fetuses and allowed to develop into adult chimeras, including consideration of any major functional contributions to the brain.
  - 6) The IRB shall review use of existing stem cells when the research involves introduction of the stem cells or their derivatives into patients or the possibility that the identity of the donors of the blastocysts, gametes or somatic cells is readily ascertainable or might become known to the investigator. Documentation of the IRB's review shall be included with the grant application (see Section 995.100(c)(17)).
- 1) Research involving nonhuman mammals
    - 1) Standards for the review of research involving nonhuman mammals shall be based on the requirements of the Animal Welfare Act and the Public Health Service Policy on Humane Care and Use of Laboratory Animals (see Section 995.15). All research involving nonhuman animals shall be approved by the institution's IACUC.
    - 2) Introduction of embryonic stem cells into nonhuman mammalian blastocysts shall be considered by investigators and approved by the ESCRO committee only under circumstances in which no other experiment can provide the information needed.

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- 3) Animal embryonic stem cells shall not be transplanted into a human blastocyst.
- 4) Human embryonic stem cells shall not be transplanted into nonhuman primates.

**Section 995.100 Application for Grant**

- a) The Department shall provide written application instructions and forms to potential applicants.
- b) The Department will request a letter of intent from prospective applicants approximately one month before applications are due. A letter of intent is not binding on the prospective applicant. A letter of intent shall include the descriptive title of the proposed research; the name, address and telephone number of the principal investigator; the names of other key personnel; the names of participating institutions; and, if applicable, the type of grant for which the application is being submitted.
- c) All applications shall include the following:
  - 1) The name, address and telephone, FAX and teletypewriter (TTY) numbers, if available, of the institution applying for the grant.
  - 2) The principal investigator's name, address and telephone, FAX and TTY numbers, if available.
  - 3) The curriculum vitae of the principal investigator or principal investigators.
  - 4) A one-page nontechnical abstract that describes the significance of the applicant's project for stem cell research.
  - 5) The applicant's TIN or the Governmental Unit Code assigned by the Illinois Comptroller.
  - 6) The signature of the principal investigator and agency official authorized to certify the application.

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- 7) An approximate timetable for project expenditures and completion.
- 8) Background data and information justifying the project.
- 9) A detailed budget for the project period, documenting sufficient resources to carry out the project. The budget shall be by line item category and shall provide sufficient detail to justify the use of grant funds to support project activities. The applicant shall indicate the total cost of conducting the project; the anticipated funding request for each year of the project period; the source of other funds in hand supporting the research project; other grants or funds awarded, denied or pending; and the amount of support requested from the Department.
- 10) A Statement of Assurances, signed by a responsible official, indicating compliance with applicable State and federal requirements.
- 11) A statement of the type of grant being requested (see Section 995.60(a)).
- 12) A statement of the research question or hypothesis or a description of interventions or model programs on which the research will be based.
- 13) A prioritized listing of measurable objectives for the project period.
- 14) Proposed activities for experiments, scientific rationale and relevant reference to existing works.
- 15) The evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project.
- 16) A sample informed consent document (with patient identifier information removed) and a description of the informed consent process that meets the criteria for informed consent set forth in this Part (see Section 995.90(e)).
- 17) The written guidelines under which the research will proceed and documentation of approval from the IRB, and, if the grant activities require, from the ESCRO committee and IACUC.

**Section 995.110 Application Review Process**

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- a) At the end of an application period, the Department will conduct a screening review to confirm that each application is complete. The screening review will confirm that:
- 1) All required questions in the application have been answered;
  - 2) All required forms and materials have been submitted;
  - 3) All ethical and legal guidelines applicable to the research project have received appropriate approvals, including any required approvals by the institution's IRB, ESCRO committee or IACUC, or that the appropriate approvals have been applied for and are pending. No monies shall be spent on an activity without appropriate approvals;
  - 4) The description of the research project and its objectives, protocols and ethical and legal guidelines is clear and concise. Applications that exceed the maximum length permitted in the written instructions for applicants shall be returned without consideration; and
  - 5) All of the necessary parties have signed the application.
- b) The Scientific Review Panel will have 10 to 20 members appointed by the Director to serve a term of two years. If a vacancy occurs, the Director will appoint a replacement to serve the remainder of the term. Panel members will:
- 1) Not be residents of Illinois;
  - 2) Not be employed by a medical research institution with its principal place of business in Illinois;
  - 3) Not be members of the Committee; and
  - 4) Have demonstrated at least one of the following:
    - A) Scientific research and experience in the derivation and use of human embryonic stem cells, human embryonic germ cells or human adult stem cells;

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- B) Knowledge and understanding of the ethical and medical implications of the derivation and use of human embryonic stem cells, human embryonic germ cells and human adult stem cells.
- c) The Panel will:
- 1) Establish guidelines for scoring applications, which shall adhere to the National Academies of Science Guidelines for Human Embryonic Stem Cell Research, 2007 Amendments to the National Academies of Science Guidelines for Human Embryonic Stem Cell Research, and 2008 Amendments to the National Academies of Science Guidelines for Human Embryonic Stem Cell Research.
  - 2) Review complete applications submitted by eligible institutions and make recommendations to the Committee with respect to the scientific and ethical merit of the applications reviewed.
  - 3) Review progress and final reports prepared by awardees as required in grant agreements with the Department.
- d) Two members of the Panel will review and evaluate each complete application and present their evaluations to the entire Panel. The Panel will review and study the application, rate the scientific and technical merit of the application, and propose terms for the grant agreement. The Panel will review and rank the quality of the research project under the following criteria:
- 1) The activities identified by the applicant will lead to achievement of the research objectives;
  - 2) The project objectives are achievable in the stated time frame;
  - 3) The evaluation methods measure progress toward the identified objectives;
  - 4) The budget provides sufficient resources that include, but are not limited to, staff, equipment and supplies, and justifies the need for funds to carry out the project;

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- 5) The investigators, especially the principal investigator, have a history of conducting and completing scientific research on time, on budget and as planned;
- 6) The investigators, especially the principal investigator, have significant expertise in biotechnology and have a reputation for innovation and for developing practical applications for biotechnology;
- 7) The applicant has the facilities and resources to complete the research project as described;
- 8) The research leads to or involves clinical trials;
- 9) The stem cell research project has the greatest potential, based on the information presented in the application and the Panel's knowledge and experience, for therapies and cures and cannot receive or is unlikely to receive sufficient federal funding;
- 10) The research is likely to lead to new therapies, treatment or cures for debilitating diseases and injuries, based on the information presented in the application and the Panel's knowledge and experience;
- 11) The research will lead to patents, articles in peer-reviewed journals or additional grant funding;
- 12) The research proposes projects of established researchers to undertake stem cell research, of junior investigators to develop stem cell research projects, or of researchers in human embryonic stem cells;
- 13) The research project will develop or refine the understanding of the ethical, legal and social issues raised by stem cell research;
- 14) The project proposes novel ideas and approaches to develop the ideas;
- 15) The project proposes human embryonic stem cell research that may attract venture capital for biotechnology start-up companies in Illinois;
- 16) The research that is likely to accelerate the pace at which basic and preclinical findings are translated into clinical benefits;

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- 17) The project proposes collaborative and interdisciplinary research among investigators, whether at the same or different institutions; and
  - 18) Funding the project will increase awareness and understanding of stem cell research.
- e) The Panel will prepare a report for the Committee, setting forth its analyses, impressions and recommendations on the application, the rank order of the projects and the amount of the grant recommended, if any. The Panel may approve part of an application and recommend partial funding (see Section 995.130).
  - f) After the Panel ranks the approved applications in order and submits the list to the Committee, the Committee will decide which applications to fund based on the reviewers' recommendations and the criteria listed in this Section. If the amount of recommended funding exceeds the total amount for awards, the Committee may approve reduced funding for one or more applicants. Those applicants offered reduced funding may decline; if they accept, they shall submit a revised budget for the reduced amount within 10 days after acceptance.

**Section 995.130 Award of Grants**

- a) The Committee may award all of the requested funds to the applicants that are selected for funding, or may award reduced funding for one or more applicants. The Committee's decision will include, but not be limited to, the following:
  - 1) The total amount of grant funds available;
  - 2) The number of grant proposals selected for funding;
  - 3) Whether a selected project contains elements that the Committee determines, based on the review process in Section 995.110, should not be funded or should be partially funded; and
  - 4) Whether the requested funding exceeds the described activities of the project, based on the review process in Section 995.110.

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- b) If the Committee determines that the number of selected projects must be reduced to accommodate the amount of grants funds available, the criteria in Section 995.110 will be used to reduce the number of projects.
- c) The Department will prepare award transmittal letters and a grant agreement for approved projects. Mailing of the transmittal letter and grant agreement to the applicant for acceptance shall constitute notification of award.
- d) The Department will notify in writing those applicants whose research projects are not accepted for IRMI funding.

**Section 995.140 Grant Agreements**

- a) No award to an applicant shall be final until the applicant and the Department have executed and delivered a grant agreement setting forth the terms and conditions of the grant, including the requirements set forth in this Section. The Department will retract the award of a grant if an agreement cannot be reached on the terms of the grant agreement.
- b) The grant and the grant agreement shall not be sold, assigned or transferred in any manner. Any actual or attempted sale, assignment or transfer shall render the grant agreement null, void and of no further effect. If the grantee, for whatever reason, ceases operation, the grant agreement shall be terminated.
- c) All projects shall begin and end on the date specified in the grant agreement. The project period shall be for 24 months. Requests for a no-cost extension shall be submitted to the Committee no later than 45 calendar days before the end of the project period.
- d) Pursuant to the Grant Funds Recovery Act, the grant agreement shall contain the following terms:
  - 1) The grant agreement shall describe the purpose of the grant and be signed by the Department and all grantees;
  - 2) The grant agreement shall specify how payments will be made, what constitutes permissible expenditure of the grant funds, and the financial controls applicable to the grant;

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- 3) The grant agreement shall specify the project period; and
- 4) The grant agreement shall contain a provision that all grant funds remaining at the end of the project period shall be returned to the State within 45 days.

**Section 995.150 Post-Grant Monitoring and Compliance**

- a) The Department will monitor all grants awarded.
- b) Grantees shall submit written reports of progress toward achieving objectives at:
  - 1) Six months into the grant agreement period;
  - 2) One year into the grant agreement period; and
  - 3) Within a month after the conclusion of the project period.
- c) The reports shall include the following:
  - 1) A description of the current status of the project in accordance with the proposed time frames in the application;
  - 2) Documentation on the progress in meeting each project objective in accordance with the proposed time frames in the application;
  - 3) Rationale for any revisions in the evaluation methods or the monitoring plan;
  - 4) A comparison of actual expenses to the budget projections and time frames in the application;
  - 5) A projection of methods and time frames involved to accomplish the pending objectives within the time frame remaining (except for the end of the project summary report);
  - 6) A summary at the close of the project period of the achievements and ultimate conclusions derived as a result of the project; and

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- 7) A description of the grantee's compliance with *current best practices with respect to medical ethics* set forth in Section 995.90 including *informed consent of patients and the protection of human subjects*. (Section 15(c)(5) of the Act)
- d) The Department and one or more members of the Panel will review reports submitted by grantees.
- e) Grantees shall be subject to periodic on-site inspections by IRMI representatives.
- f) IRMI may request an oral presentation to clarify the status or the end of project report for the benefit of the peer review panel or other formally recognized audiences.
- g) Grantees shall establish and maintain the necessary processes to monitor their compliance and that of their employees and contractors; take appropriate action to meet the stated objectives; and inform IRMI of any problems or concerns.
- h) Grantees are responsible for the actions of their employees and other research collaborators, including third parties involved in the project.

**Section 995.160 Suspension, Termination and Recovery of Grant Awards**

- a) If a grantee fails to comply with this Part or the terms of the grant agreement, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant or recover any grant funds previously disbursed to the grantee.
- b) Hearings will be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings.
- c) Pursuant to the Grant Funds Recovery Act, any grant funds that are misspent or are being improperly held may be recovered by the Department, after notice and opportunity for hearing, or alternatively by the Illinois Attorney General (see Section 995.80).
- d) If the Department believes that a grant should be suspended, terminated or recovered due to a grantee's failure to comply with this Part or the terms of the grant agreement, the grantee shall have the opportunity for at least one informal hearing before the Department or the Department's designee to determine the facts

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and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken.

- e) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, terminated or recovered due to a grantee's failure to comply with this Part or the terms of the grant agreement, then written notice of the proposed action shall be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 days after the receipt of the notice to request a hearing to show why recovery is not justified or proper.
- f) If a grantee requests a hearing pursuant to subsection (d) of this Section, then:
  - 1) The Department shall hold a hearing at which the grantee (or the grantee's representative) is permitted to present evidence and witnesses to show why the action should not be taken; and
  - 2) After the conclusion of the hearing, the Department shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the grantee.
- g) A grantee may seek judicial review of any final order pursuant to the provisions of the Administrative Review Law.
- h) The Department may suspend payment of grants at any time. If a grantee requests a hearing pursuant to subsection (d), the Department may not take any action of recovery until at least 35 days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing as permitted in subsection (d), the Department may proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35-day request period established in subsection (e).
- i) Any notice or mailing required or permitted by this Part shall be deemed received five days after the notice or mailing is deposited in the United States mail, properly addressed with the grantee's current business address and with sufficient U.S. postage affixed.

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Departmental Duties
- 2) Code Citation: 2 Ill. Adm. Code 552
- 3) Section Number: 552.10                      Adopted Action: Amendment
- 4) Statutory Authority: Sections 10, 11 and 13 of the Securities Law of 1953 [815 ILCS 5/10, 11 and 13], Section 1.05 of the Business Corporation Act of 1983 [805 ILCS 5/1.05], Sections 2-104(b) and 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 2-118]
- 5) Effective Date of Amendment: March 5, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 11, 2009; 33 Ill. Reg. 12515
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No substantive changes were made between proposal and adoption.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The adopted amendment updates the addresses at which the Secretary of State receives service of process for cases involving securities, non-residents involved in motor vehicles accidents on the roadways of Illinois, business

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corporations and administrative reviews. Citations are updated to reflect the related *Illinois Compiled Statutes*.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Secretary of State  
Cindy Grant, Assistant General Counsel  
298 Howlett Building  
Springfield, IL 62701

217/785-3094

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the Adopted Amendment begins on the next page:

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TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER III: SECRETARY OF STATEPART 552  
DEPARTMENTAL DUTIES

## Section

552.10	Service of Process Upon the Secretary of State
552.20	Filing of Miscellaneous Documents with the Secretary of State
552.30	Initiating, Conducting and Completing Investigations

AUTHORITY: Sections 10, 11 and 13 of the Securities Law of 1953 [815 ILCS 5/10, 11 and 13], Section 1.05 of the Business Corporation Act of 1983 [805 ILCS 5/1.05], Sections 2-104(b) and 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 2-118].

SOURCE: Adopted at 12 Ill. Reg. 3022, effective February 1, 1988; amended at 14 Ill. Reg. 6854, effective May 1, 1990; amended at 30 Ill. Reg. 15786, effective September 18, 2006; amended at 34 Ill. Reg. 3661, effective March 5, 2010.

**Section 552.10 Service of Process Upon the Secretary of State**

The following procedure for substitute service of process upon the Secretary of State shall apply for the specific statute cited. The specific ~~department~~Department of the Office of the Secretary of State stated ~~in this Sectionherein~~, shall receive the service of process and retain the records ~~of the servicethereof~~ in accordance with the applicable statutes and rules. Nothing in this Section or Section 552.20 shall affect in any way any substantive or procedural rights granted by the statutes referred to ~~in this Sectionherein~~. Any service of process sent to the incorrect department within the Office of the Secretary of State shall be sent by that department's staff to the correct department as designated by this ~~Sectionsection~~ and Section 552.20. These ~~Sectionssections~~ are intended only to allocate the responsibilities for the receipt and storage of service of process within the Office of the Secretary of State.

- a) In cases involving the sale of securities, service of process upon the Secretary of State under Section 10 ~~of the Illinois Securities Law of 1953~~ (~~815 ILCS 5/10~~~~III. Rev. Stat. 1987, ch. 121½, par. 137.10~~), shall be made in accordance with 14 Ill. Adm. Code 130.120; and delivered to the Securities Department, ~~300 West Jefferson, Suite 300A, Springfield, Illinois 62702900 South Spring Street, Springfield, Illinois 62704~~, except that services of process by the Securities

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Department itself, pursuant to ~~Section~~Sections 10, 11; or 13 of the Illinois Securities Law of 1953, should be made upon the Index Department.

- b) In cases involving corporations under the Business Corporation Act of 1983 (~~[805 ILCS 5]~~Ill. Rev. Stat. 1987, ch. 32, par. 1.01 et seq.) or the General Not For Profit Corporation Act of 1986 (~~[805 ILCS 105]~~Ill. Rev. Stat. 1987, ch. 32, par. 101.01 et seq.) ~~or~~on the Corporate Fiduciary Act (~~[205 ILCS 620]~~Ill. Rev. Stat. 1987, ch. 17, par. 1551 et seq.), service of process upon the Secretary of State shall be made in accordance with 14 Ill. Adm. Code 150, Subpart E and 14 Ill. Adm. Code 160.17; and delivered to the Business Services Department, Room ~~350300~~, ~~HowlettCentennial~~ Building, Springfield, Illinois 62756.
- c) In cases involving a motor vehicle collision involving a non-resident, service of process upon the Secretary of State under Section ~~10-301 of 10-1~~ the Illinois Vehicle Code (~~[625 ILCS 5/10-301]~~Ill. Rev. Stat. 1987, ch. 95½, par. 10-301); shall be delivered to the ~~Office of the General Counsel~~Department of Administrative Hearings, Room ~~298207~~, ~~HowlettCentennial~~ Building, Springfield, Illinois 62756.
- d) In cases ~~in which~~where service of process upon the Secretary of State is permitted under one of the following statutes, and in all other cases to which ~~subsections~~subsections (a), (b); or (c) of this Section do not apply, service shall be made upon the Index Department, 111 East Monroe Street, Springfield, Illinois 62756:

~~235 ILCS 5/8-14~~Ill. Rev. Stat. 1987, ch. 43, par. 165(a), (~~The~~Liquor Control Act of 1934)

~~820 ILCS 405/2208~~Ill. Rev. Stat. 1987, ch. 48, par. 688, (Illinois Insurance Code~~The Unemployment Compensation Insurance Act~~)

~~215 ILCS 5/121-6 and 121-7~~Ill. Rev. Stat. 1987, ch. 73, par. 733-6 et seq., (Illinois Insurance Code~~The Illinois Unauthorized Insurance Companies Code~~)

~~735 ILCS 5/2-209~~Ill. Rev. Stat. 1987, ch. 110, par. 2-209, (Civil Practice Law (Products Liability – \$5.00 filing fee))

~~735 ILCS 5/2-210~~Ill. Rev. Stat. 1987, ch. 110, par. 2-210, (Civil Practice Law (Aircraft and Ship Owners and Operators – \$2.00 filing fee))

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~~[35 ILCS 5/1404](#)~~~~Ill. Rev. Stat. 1987, ch. 120, par. 14-1404,~~ (The Illinois Income Tax Act)

~~[35 ILCS 105/12a](#)~~~~Ill. Rev. Stat. 1987, ch. 120, par. 439.12a,~~ (Use Tax Act)

~~[35 ILCS 110/13](#)~~~~Ill. Rev. Stat. 1987, ch. 120, par. 439.43,~~ (Service Use Tax Act)

~~[35 ILCS 115/13](#)~~~~Ill. Rev. Stat. 1987, ch. 120, par. 439.113,~~ (Service Occupation Tax Act)

~~[35 ILCS 120/5i](#)~~~~Ill. Rev. Stat. 1987, ch. 120, par. 444(i),~~ (Retailers' Occupation Tax Act)

~~[765 ILCS 1036/15 and 30](#) (Trademark Registration and Protection Act)~~~~Ill. Rev. Stat. 1987, ch. 140, pars. 10 and 16, (Trademarks "AN ACT to provide for the registration and protection of trade marks, service marks and trade names, to make an appropriation in connection therewith, and to repeal an Act herein named.")~~

- e) In cases involving the Secretary of State as a party, such as any administrative review actions contesting a rule or procedure of any Secretary of State department, any civil rights actions and personnel action, service of process shall be made upon the [Office of the](#) General Counsel, Room 298, [HowlettCentennial](#) Building, Springfield, Illinois 62756.

(Source: Amended at 34 Ill. Reg. 3661, effective March 5, 2010)

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- 1) Heading of the Part: Sale of Information
- 2) Code Citation: 92 Ill. Adm. Code 1002
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1002.30	Amendment
1002.60	Amendment
- 4) Statutory Authority: Implementing Section 2-123, and authorized by Sections 2-104, 2-107, and 2-123, of the Illinois Vehicle Title and Registration Law [625 ILCS 5/2-123, 2-104 and 2-107] and 18 USC 2721
- 5) Effective Date of Amendments: March 5, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: September 11, 2009; 33 Ill. Reg. 12520
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made between proposal and adoption.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Affirmatively states that no refunds will be given for information already provided to purchasers, as the Illinois Vehicle Code does not provide for such refunds. Also, clarification that all agencies, whether a commercial

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or business purchaser or a governmental entity, are required to enter into an access agreement in order to receive drivers, vehicle, or title lists, or driving or identification card abstracts.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Secretary of State  
Brenda Glahn, Assistant General Counsel  
298 Howlett Building  
Springfield, IL 62701

217-785-3094

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

The full text of the Adopted Amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1002  
SALE OF INFORMATION

Section	
1002.10	Applicability
1002.20	Definitions
1002.30	Fees
1002.40	Requests
1002.42	Impermissible Use of Personally Identifying Information
1002.45	Request for an Individual's Driving, Registration, or Title Information
1002.50	Lists of Purchasers
1002.60	Access Agreement
1002.70	Public Records
1002.80	Lists of Licenses
1002.90	Social Security Numbers

**AUTHORITY:** Implementing Section 2-123, and authorized by Sections 2-104, 2-107, and 2-123, of the Illinois Vehicle Title and Registration Law [625 ILCS 5/2-123, 2-104 and 2-107] and 18 USC 2721.

**SOURCE:** Emergency rules adopted at 7 Ill. Reg. 11760, effective September 14, 1983; adopted and codified at 8 Ill. Reg. 2522, effective February 11, 1984; amended at 16 Ill. Reg. 13088, effective August 11, 1992; amended at 18 Ill. Reg. 18118, effective December 9, 1994; amended at 21 Ill. Reg. 466, effective January 1, 1997; amended at 31 Ill. Reg. 11337, effective July 23, 2007; amended at 33 Ill. Reg. 3177, effective January 30, 2009; amended at 34 Ill. Reg. 3666, effective March 5, 2010.

**Section 1002.30 Fees**

Drivers, vehicle, and title information shall not be sold for commercial solicitation purposes.

- a) Fees for drivers lists:
  - 1) for the sale of a drivers list pursuant to IVC Section 2-123(a) is \$500.
  - 2) for the sale of a drivers list pursuant to IVC Section 2-123(b) is \$500 plus

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\$50 per 1,000 names, with a minimum cost of \$500.

- b) Fees for title and vehicle information provided to public entities pursuant to IVC Section 2-123(a) shall be as follows:
- 1) for title lists or parts of a list, \$600;
  - 2) for lists of recent title transactions, \$100;
  - 3) for passenger vehicle lists or parts of a list, \$300;
  - 4) for miscellaneous vehicle lists or parts of a list, \$200;
  - 5) for International Reciprocity Plan vehicle lists or parts of a list, \$100;
  - 6) for computer searches of specific vehicle registration plate numbers, \$100.
- c) The fees for title and vehicle information provided to private entities pursuant to IVC Section 2-123(b) shall be as follows:
- 1) for title lists or parts of a list, \$200 plus \$20 per 1,000 records, or the actual cost or \$600, whichever is greater;
  - 2) for lists of recent title transactions, \$200 plus \$20 per 1,000 records, or the actual cost, whichever is greater;
  - 3) for passenger vehicle lists or parts of a list, \$200 plus \$20 per 1,000 records, or the actual cost of \$300, whichever is greater;
  - 4) for International Reciprocity Plan vehicle lists or parts of a list, \$200 plus \$20 per 1,000 records or the actual cost thereof, whichever is greater;
  - 5) for computer searches of specific vehicle registration plate numbers, \$200 plus \$20 per 1,000 records, or the actual cost thereof, whichever is greater.
- d) The information sold pursuant to subsection (a) or (b) of this Section shall be provided on a computer processible medium as prescribed by the Secretary.
- e) The fees for additional copies of registration lists provided to public entities

## SECRETARY OF STATE

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pursuant to IVC Section 2-123(d) shall be as follows:

- 1) for a complete list, \$80;
- 2) for a partial list (up to one-half of the complete list), \$40.
- f) The information sold pursuant to subsection (e) of this Section shall be provided on a computer processible medium as prescribed by the Secretary.
- g) All fees, other than those paid by governmental agencies, shall be paid in advance of the delivery of any list to any purchaser.
- h) Fees for information supplied by means of computer connections between the Secretary's computers and those of any other agency, corporation, or person may be paid on a daily or monthly basis for all information delivered during that day or month, and shall be determined by the Secretary to be the most economically feasible way of billing.
- i) No refunds shall be given by the Secretary of State to any purchaser after the information has been provided to the purchaser.
- ji) No fees shall be charged from those local, state, and federal governmental agencies that obtain information from the Secretary to enforce criminal laws.
- kj) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge as long as the requesting agency incurs all terminal costs and as long as the service does not substantially increase costs or network traffic on the Secretary's computer.
- lk) Computer terminal connection may be allowed to non-governmental agencies provided that the expense of the equipment and communication costs are borne by the non-governmental agency. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the cost-effectiveness of providing the information through computer terminal connections, as opposed to other methods, and other factors that may impede the operations of the Office of the Secretary of State. Should the connection interfere with the Secretary's internal work schedules and processing, this service may be suspended at any time.

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(Source: Amended at 34 Ill. Reg. 3666, effective March 5, 2010)

**Section 1002.60 Access Agreement****a) Access Agreement Required**

All commercial or business purchasers or any federal, State or local entities in receipt of the drivers, vehicle, or title lists, or driving or identification card abstracts, and all entities receiving drivers, vehicle or title lists or driving or identification card abstracts in bulk or via a computer connection, shall sign an Access Agreement with the Secretary.

**b) Content of Access Agreement**

**1)** The Access Agreement shall include disclosure of:

**A)** the ~~specific commercial~~ use, which shall not include commercial solicitation purposes; or

**B)** ~~disclosure of~~ the permissible use of personal information, if applicable.

**2)** The Access Agreement shall contain those terms the Secretary deems necessary and appropriate to protect the integrity of the lists and abstracts, including, but not limited to:

**A)** a requirement that the data not be used for criminal or immoral purposes; and;

**B)** a statement that violation of any terms of the Access Agreement could result in the Secretary's denial of sale or disclosure of the data to the purchaser or recipient for a term of 5 years and the return of the data to the Secretary.

**c) Redisclosure**

**1)** The redisclosure of the data is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the data was permitted.

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- |        2)    Any authorized recipient that resells or rediscloses personal data covered by this Part must keep, for a period of 5 years, records identifying each person or entity that receives information and the permitted purpose for which the data will be used. The purchaser must make these records available to the Secretary of State upon request.

(Source: Amended at 34 Ill. Reg. 3666, effective March 5, 2010)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.421                      Adopted Action:  
Amendment
- 4) Statutory Authority: 625 ILCS 5/3-407
- 5) Effective Date of Amendment: March 5, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: September 11, 2009; 33 Ill. Reg. 12527
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No substantive changes were made between proposal and adoption.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking allows the Secretary of State's Office to suspend or revoke an automobile dealer or remittance agent's authority to issue temporary registration permits if certain violations are committed. The rulemaking would allow the affected dealer or remittance agent to have an administrative hearing to contest the revocation.

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NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Secretary of State  
Cindy Grant, Assistant General Counsel  
298 Howlett Building  
Springfield, IL 62701

217/785-3094

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the Adopted Amendment begins on the next page:

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## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

## SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

## SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond

## SUBPART C: REGISTRATION

Section	
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State
1010.245	Electronic Registration and Titling (ERT) Program Provisions

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1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND  
CANCELLATION OF REGISTRATION

## Section

1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any  
Registration  
1010.310 Improper Use of Evidences of Registration  
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards  
and Titles  
1010.330 Operation of Vehicle Without Proper Illinois Registration  
1010.350 Suspension or Revocation  
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

## Section

1010.410 Temporary Registration – Individual Transactions  
1010.420 Temporary Permit Pending Registration In Illinois  
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the  
Secretary of State  
1010.425 Non-Resident Drive-Away Permits  
1010.426 Five Day Permits  
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for  
Compensation and Tow Trucks  
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment  
1010.450 Special Plates  
1010.451 Purple Heart License Plates  
1010.452 Special Event License Plates  
1010.453 Retired Armed Forces License Plates  
1010.454 Gold Star License Plates  
1010.455 Collectible License Plates  
1010.456 Sample License Plates For Motion Picture and Television Studios  
1010.457 Korean War Veteran License Plates  
1010.458 Collegiate License Plates  
1010.460 Special Plates for Members of the United States Armed Forces Reserves  
| 1010.465 Requests for General Issuance Specialty Plates  
1010.470 Dealer Plate Records

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1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

## Section

1010.510 Determination of Registration Fees  
1010.520 When Fees Returnable  
1010.530 Circuit Breaker Registration Discount  
1010.540 Fees

## SUBPART G: MISCELLANEOUS

## Section

1010.610 Unlawful Acts, Fines and Penalties  
1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

## Section

1010.705 Reciprocity  
1010.710 Vehicle Proration  
1010.715 Proration Fees  
1010.720 Vehicle Apportionment  
1010.725 Trip Leasing  
1010.730 Intrastate Movements, Foreign Vehicles  
1010.735 Interline Movements  
1010.740 Trip and Short-term Permits  
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)  
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)  
1010.755 Mileage Tax Plates  
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates  
1010.760 Transfer for "For-Hire" Loads  
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles  
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements  
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement  
1010.APPENDIX B International Registration Plan  
1010.APPENDIX C Affirmation Supporting Salvage Certificate

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## 1010.APPENDIX D Specialty License Plates Request Form

**AUTHORITY:** Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

**SOURCE:** Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010.

**Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities**

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**Other Than the Secretary of State**

- a) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State may supply, upon request, Temporary Permit plates to the following for issuance by them, provided they have the necessary computer hardware, software and communication devices for accessing the Secretary of State's Internet site for the registration of Temporary Permit plates:
- 1) Licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue Temporary Permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. ~~The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such Permits to any dealer or demand return of unused Permits for violating any provision of the Illinois Vehicle Code, or any administrative rule adopted pursuant to the Vehicle Code, for the failure to keep records or make computer entries as required by this Section, or for any other violation relating to the use or issuance of Temporary Permits. Secretary of State personnel may initiate an action against a dealer by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the dealer specifying the alleged violations. The dealer shall be entitled to an administrative hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] and regulations promulgated thereunder. All dealers receiving such Temporary Permits shall maintain records reflecting the information required for completion of the receipt form for a Temporary Permit plate. Failure to do so may result in the denial, revocation, or suspension of a dealer's license under IVC Section 5-501 of the Illinois Vehicle Code.~~
  - 2) Licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent may issue Temporary Permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State. ~~The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such Permits to any remittance agent or demand return of unused Permits for violating any provision of the Illinois Vehicle Code, or any administrative rule adopted pursuant to the Vehicle Code, for failure to keep records or make computer entries as required by this Section, or~~

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~~for any other violation relating to the use or issuance of Temporary Permits. Secretary of State personnel may initiate an action against a remittance agent by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the remittance agent specifying the alleged violations. The remittance agent shall be entitled to an administrative hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] and regulations promulgated thereunder. All Remittance Agents receiving such Temporary Permits shall maintain records reflecting the information required for completion of the receipt form for a Temporary Permit. Failure to do so may result in the denial, revocation, or suspension of a Remittance Agent's license under IVC Sections 3-906 and 3-907 of the Illinois Vehicle Code.~~

- 3) Currency ~~exchanges~~ Exchanges licensed by, and in good standing with, the Department of Financial and Professional Regulation Institutions. Currency ~~exchanges~~ Exchanges shall complete and submit an application in a manner prescribed by the Secretary of State to be eligible to receive Temporary Permits. Each ~~currency exchange~~ Currency Exchange may issue Temporary Permits only to persons whose applications the ~~currency exchange~~ Currency Exchange accepts for transmittal to the Secretary of State. A Temporary Permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All ~~currency exchanges~~ Currency Exchanges receiving Temporary Permits shall maintain records of their issuance reflecting the information required for completion of the receipt form for a Temporary Permit plate. ~~The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue Temporary Permits to any Currency Exchange that has committed any violation of the Illinois Vehicle Code, or any administrative rule adopted pursuant to the Vehicle Code, for failure to keep records or make computer entries as required by this Section, or for any other violation relating to the use or issuance of Temporary Permits. Secretary of State personnel may initiate an action against a Currency Exchange by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the Currency Exchange specifying the alleged violations. The Currency Exchange shall be entitled to an administrative hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS~~

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~~5/2-118} and regulations promulgated thereunder.~~

- b) Issuers of Temporary Permits must be in compliance with the following:
- 1) Within two business days after receipt of Temporary Permit plates from the Secretary of State the issuer shall access the Secretary of State's Internet site for the registration of Temporary Permit plates and acknowledge receipt of the plates. The issuer shall store the Temporary Permit plates in a secure location to prevent theft, loss or misuse of the plates. Temporary Permit plates shall be issued in numerical sequence as received from the Secretary of State. Temporary Permit plates shall be issued only in conjunction with applications for vehicle registration and all required information regarding the Temporary Permit plate shall be completed on the vehicle registration application form.
  - 2) Contemporaneous with the issuance of a Temporary Permit plate, the issuer shall access the Secretary of State's Internet site for the registration of Temporary Permit plates and enter all requested information with regard to the vehicle for which the Temporary Permit plate was issued and the ~~individuals~~individual(s) or entity to which the Temporary Permit plate was issued. When accessing the Secretary of State's Internet site and entering information, issuers shall comply with all protocols provided by the Secretary of State, including, but not limited to, user identification procedures and passwords.
  - 3) Prior to delivering a Temporary Permit plate to the applicant or attaching a Temporary Permit plate to a vehicle, the issuer shall lift the clear overlay covering the expiration date area, blacken in with a permanent black marker the month and year during which the Temporary Permit will expire, making certain to blacken in the entire box including the portion of the silver hologram strip running through the box designating the month, and remove the white backing from the overlay and apply the overlay securely over the expiration date area.
  - 4) Temporary Permit plates issued for motor driven cycles or motorcycles shall be of the reduced size designed for motor driven cycles or motorcycles.
  - 5) Temporary Permit plates shall be issued only by the ~~dealer~~Dealer,

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~~remittance agent~~Remittance Agent, or ~~currency exchange~~Currency Exchange that received the Temporary Permit from the Secretary of State.

- 6) Temporary Permit plate receipt forms shall contain all of the information requested, where applicable. The original of the plate receipt form shall be given to the applicant and the copy shall be maintained by the issuer.
  - 7) Temporary Permit plate receipt forms shall bear the name of the issuing entity and the signature of the issuing employee.
  - 8) Issuers of Temporary Permits shall reimburse the Secretary of State \$50 per Temporary Permit for lost, missing, stolen, or destroyed Temporary Permits. The Secretary of State shall have the discretion to waive this fee upon satisfactory proof that the Temporary Permits were destroyed by fire or flood, or stolen in connection to a theft of the premises. In the decision to waive the fee, the Secretary of State shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the issuer's loss is the result of fire, flood, or theft of the premises.
  - 9) Issuers shall maintain copies of receipt forms for all Temporary Permit plates issued for a period of 3 years.
  - 10) When the issuer is no longer engaged in the business of issuing Temporary Permits, the issuer shall return all unissued Temporary Permit plates to the Secretary of State. Issuer shall bear risk of loss until all Temporary Permits are received by the Secretary of State.
- c) The Secretary of State shall have free access to the offices and places of business to examine fully all Temporary Permit books and other business records, documents, and files of the issuer to determine whether such issuer is complying with the provisions of this Section.
  - d) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of Temporary Permits.
  - e) Denial or Revocation of the Authority to Issue Temporary Permits
    - 1) The Secretary of State may refuse to issue Temporary Permits to any dealer, remittance agent or currency exchange that has committed any

## SECRETARY OF STATE

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violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes. The Secretary of State may demand the return of any unused Temporary Permits from any dealer, remittance agent or currency exchange for any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes, or for any other violation relating to the use or issuance of Temporary Permits.

2) If the Secretary of State refuses to issue or revokes unused Temporary Permits, he or she shall so order in writing and notify the dealer, remittance agent or currency exchange by mail. A dealer, remittance agent or currency exchange may request an administrative hearing to review the order.

3) If the Secretary of State revokes unused Temporary Permits, the affected dealer, remittance agent or currency exchange shall not be entitled to apply for or issue any Temporary Permits for a period of 90 days following receipt of the revocation order. A second or subsequent offense resulting in the revocation of Temporary Permits may result in the dealer, remittance agent or currency exchange being prohibited from receiving any Temporary Permits from the Secretary of State.

4) Secretary of State personnel may initiate an action against a dealer, remittance agent or currency exchange by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the dealer, remittance agent or currency exchange specifying the alleged violation. The dealer, remittance agent or currency exchange shall be entitled to an administrative hearing pursuant to IVC Section 2-118 and regulations promulgated under that Section.

(Source: Amended at 34 Ill. Reg. 3673, effective March 5, 2010)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE V	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table V is amended to reflect a Memorandum of Understanding (MOU) between CMS and the American Federation of State, County and Municipal Employees (AFSCME) signed February 5, 2010 correcting the 2008-2012 CU-500 – Schedule A. The corrected salary rates are effective July 1, 2008 through June 30, 2012.  
  
Section 310.Appendix A Table X is amended to reflect a MOU between CMS and AFSCME for the Public Service Administrator title Option 8T signed February 4, 2010. Effective September 28, 2009, the positions allocated to the PSA title Option 8T are assigned to the RC-063-24 pay grade.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 6) Effective Date: March 5, 2010
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table V, the title table and rate tables effective July 1, 2008, January 1, 2009, July 1, 2009 and January 1, 2010 are added. The rate tables no longer in effect are removed.  
  
In Section 310.Appendix A Table X, Option 8T is added to the Public Service Administrator options assigned to the RC-063-24 pay grade in the title table and to the Note.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: March 5, 2010

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?  
Yes

12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Reg. Citation:</u>
310.410	Amendment	33 Ill. Reg. 14874, November 6, 2009
310.495	Amendment	33 Ill. Reg. 14874, November 6, 2009
310.APPENDIX A TABLE X	Amendment	33 Ill. Reg. 14874, November 6, 2009
310.APPENDIX B	Repealed	33 Ill. Reg. 14874, November 6, 2009
310.APPENDIX D	Amendment	33 Ill. Reg. 14874, November 6, 2009
310.80	Amendment	34 Ill. Reg. 602, January 15, 2010
310.100	Amendment	34 Ill. Reg. 602, January 15, 2010
310.410	Amendment	34 Ill. Reg. 602, January 15, 2010
310.460	Amendment	34 Ill. Reg. 602, January 15, 2010
310.470	Amendment	34 Ill. Reg. 602, January 15, 2010
310.490	Amendment	34 Ill. Reg. 602, January 15, 2010
310.495	Amendment	34 Ill. Reg. 602, January 15, 2010
310.APPENDIX A TABLE S	Amendment	34 Ill. Reg. 602, January 15, 2010
310.47	Amendment	34 Ill. Reg. 2832, March 5, 2010
310.APPENDIX A TABLE D	Amendment	34 Ill. Reg. 2832, March 5, 2010
310.APPENDIX A TABLE E	Amendment	34 Ill. Reg. 2832, March 5, 2010
310.APPENDIX A TABLE F	Amendment	34 Ill. Reg. 2832, March 5, 2010
310.APPENDIX A TABLE Q	Amendment	34 Ill. Reg. 2832, March 5, 2010
310.APPENDIX A TABLE X	Amendment	34 Ill. Reg. 2832, March 5, 2010

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this rulemaking shall be directed to:

Mr. Jason Doggett  
Manager  
Compensation Section

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

217/782-7964  
Fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

The full text of the Peremptory Amendments begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## 310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)

310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a

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maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992;

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peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408,

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effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill.

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Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill.

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Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

## Section 310.APPENDIX A Negotiated Rates of Pay

## Section 310.TABLE V CU-500 (Corrections Meet and Confer Employees)

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
<u>Correctional Casework Supervisor</u>	<u>09655</u>	<u>CU-500</u>	<u>20</u>
<u>Correctional Lieutenant</u>	<u>09673</u>	<u>CU-500</u>	<u>19</u>
<u>Corrections Clerk III</u>	<u>09773</u>	<u>CU-500</u>	<u>16</u>
<u>Corrections Food Service Supervisor III</u>	<u>09795</u>	<u>CU-500</u>	<u>18</u>
<u>Corrections Identification Supervisor</u>	<u>09800</u>	<u>CU-500</u>	<u>17</u>
<u>Corrections Industry Supervisor</u>	<u>09807</u>	<u>CU-500</u>	<u>18</u>
<u>Corrections Laundry Manager II</u>	<u>09809</u>	<u>CU-500</u>	<u>17</u>
<u>Corrections Leisure Activity Specialist IV</u>	<u>09814</u>	<u>CU-500</u>	<u>20</u>
<u>Corrections Maintenance Supervisor</u>	<u>09822</u>	<u>CU-500</u>	<u>16</u>
<u>Corrections Residence Counselor II</u>	<u>09838</u>	<u>CU-500</u>	<u>17</u>
<u>Corrections Supply Supervisor III</u>	<u>09863</u>	<u>CU-500</u>	<u>18</u>
<u>Juvenile Justice Supervisor</u>	<u>21980</u>	<u>CU-500</u>	<u>21</u>
<u>Juvenile Justice Youth and Family Specialist Supervisor</u>	<u>21995</u>	<u>CU-500</u>	<u>22</u>
<u>Property and Supply Clerk III</u>	<u>34793</u>	<u>CU-500</u>	<u>08</u>
<u>Public Service Administrator, Option 7</u>	<u>37015</u>	<u>CU-500</u>	<u>24</u>
<u>Storekeeper III</u>	<u>43053</u>	<u>CU-500</u>	<u>13</u>

**Effective July 1, 2008**  
**Bargaining Unit: CU-500**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>08</u>	<u>Q</u>	<u>2641</u>	<u>2702</u>	<u>2768</u>	<u>2834</u>	<u>2922</u>	<u>3009</u>	<u>3102</u>	<u>3187</u>	<u>3280</u>	<u>3430</u>	<u>3567</u>
<u>13</u>	<u>Q</u>	<u>3122</u>	<u>3204</u>	<u>3287</u>	<u>3372</u>	<u>3498</u>	<u>3634</u>	<u>3775</u>	<u>3907</u>	<u>4053</u>	<u>4279</u>	<u>4450</u>
<u>16</u>	<u>Q</u>	<u>3529</u>	<u>3628</u>	<u>3729</u>	<u>3835</u>	<u>4004</u>	<u>4183</u>	<u>4357</u>	<u>4530</u>	<u>4713</u>	<u>4981</u>	<u>5180</u>
<u>16</u>	<u>S</u>	<u>3596</u>	<u>3694</u>	<u>3797</u>	<u>3903</u>	<u>4075</u>	<u>4253</u>	<u>4426</u>	<u>4601</u>	<u>4784</u>	<u>5055</u>	<u>5257</u>
<u>17</u>	<u>Q</u>	<u>3688</u>	<u>3792</u>	<u>3901</u>	<u>4013</u>	<u>4202</u>	<u>4393</u>	<u>4574</u>	<u>4760</u>	<u>4949</u>	<u>5240</u>	<u>5449</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<u>17</u>	<u>S</u>	<u>3757</u>	<u>3864</u>	<u>3970</u>	<u>4087</u>	<u>4275</u>	<u>4463</u>	<u>4645</u>	<u>4831</u>	<u>5018</u>	<u>5311</u>	<u>5523</u>
<u>18</u>	<u>Q</u>	<u>3876</u>	<u>3986</u>	<u>4105</u>	<u>4224</u>	<u>4427</u>	<u>4630</u>	<u>4836</u>	<u>5032</u>	<u>5232</u>	<u>5538</u>	<u>5760</u>
<u>18</u>	<u>S</u>	<u>3946</u>	<u>4059</u>	<u>4178</u>	<u>4298</u>	<u>4498</u>	<u>4702</u>	<u>4908</u>	<u>5104</u>	<u>5301</u>	<u>5611</u>	<u>5836</u>
<u>19</u>	<u>Q</u>	<u>4081</u>	<u>4200</u>	<u>4325</u>	<u>4452</u>	<u>4675</u>	<u>4889</u>	<u>5116</u>	<u>5327</u>	<u>5549</u>	<u>5877</u>	<u>6112</u>
<u>19</u>	<u>S</u>	<u>4152</u>	<u>4270</u>	<u>4395</u>	<u>4523</u>	<u>4743</u>	<u>4960</u>	<u>5187</u>	<u>5398</u>	<u>5619</u>	<u>5950</u>	<u>6188</u>
<u>20</u>	<u>Q</u>	<u>4307</u>	<u>4434</u>	<u>4566</u>	<u>4700</u>	<u>4930</u>	<u>5158</u>	<u>5400</u>	<u>5630</u>	<u>5860</u>	<u>6211</u>	<u>6459</u>
<u>20</u>	<u>S</u>	<u>4379</u>	<u>4502</u>	<u>4636</u>	<u>4772</u>	<u>5005</u>	<u>5233</u>	<u>5473</u>	<u>5703</u>	<u>5931</u>	<u>6285</u>	<u>6536</u>
<u>21</u>	<u>Q</u>	<u>4543</u>	<u>4678</u>	<u>4813</u>	<u>4956</u>	<u>5209</u>	<u>5453</u>	<u>5707</u>	<u>5964</u>	<u>6210</u>	<u>6591</u>	<u>6855</u>
<u>21</u>	<u>S</u>	<u>4615</u>	<u>4749</u>	<u>4885</u>	<u>5029</u>	<u>5278</u>	<u>5526</u>	<u>5779</u>	<u>6036</u>	<u>6280</u>	<u>6663</u>	<u>6930</u>
<u>24</u>	<u>Q</u>	<u>5406</u>	<u>5565</u>	<u>5732</u>	<u>5903</u>	<u>6213</u>	<u>6532</u>	<u>6843</u>	<u>7153</u>	<u>7474</u>	<u>7940</u>	<u>8258</u>
<u>24</u>	<u>S</u>	<u>5479</u>	<u>5637</u>	<u>5803</u>	<u>5974</u>	<u>6282</u>	<u>6602</u>	<u>6914</u>	<u>7226</u>	<u>7547</u>	<u>8011</u>	<u>8332</u>

**Effective January 1, 2009**  
**Bargaining Unit: CU-500**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>08</u>	<u>Q</u>	<u>2681</u>	<u>2743</u>	<u>2810</u>	<u>2877</u>	<u>2966</u>	<u>3054</u>	<u>3149</u>	<u>3235</u>	<u>3329</u>	<u>3481</u>	<u>3621</u>
<u>13</u>	<u>Q</u>	<u>3169</u>	<u>3252</u>	<u>3336</u>	<u>3423</u>	<u>3550</u>	<u>3689</u>	<u>3832</u>	<u>3966</u>	<u>4114</u>	<u>4343</u>	<u>4517</u>
<u>16</u>	<u>Q</u>	<u>3582</u>	<u>3682</u>	<u>3785</u>	<u>3893</u>	<u>4064</u>	<u>4246</u>	<u>4422</u>	<u>4598</u>	<u>4784</u>	<u>5056</u>	<u>5258</u>
<u>16</u>	<u>S</u>	<u>3650</u>	<u>3749</u>	<u>3854</u>	<u>3962</u>	<u>4136</u>	<u>4317</u>	<u>4492</u>	<u>4670</u>	<u>4856</u>	<u>5131</u>	<u>5336</u>
<u>17</u>	<u>Q</u>	<u>3743</u>	<u>3849</u>	<u>3960</u>	<u>4073</u>	<u>4265</u>	<u>4459</u>	<u>4643</u>	<u>4831</u>	<u>5023</u>	<u>5319</u>	<u>5531</u>
<u>17</u>	<u>S</u>	<u>3813</u>	<u>3922</u>	<u>4030</u>	<u>4148</u>	<u>4339</u>	<u>4530</u>	<u>4715</u>	<u>4903</u>	<u>5093</u>	<u>5391</u>	<u>5606</u>
<u>18</u>	<u>Q</u>	<u>3934</u>	<u>4046</u>	<u>4167</u>	<u>4287</u>	<u>4493</u>	<u>4699</u>	<u>4909</u>	<u>5107</u>	<u>5310</u>	<u>5621</u>	<u>5846</u>
<u>18</u>	<u>S</u>	<u>4005</u>	<u>4120</u>	<u>4241</u>	<u>4362</u>	<u>4565</u>	<u>4773</u>	<u>4982</u>	<u>5181</u>	<u>5381</u>	<u>5695</u>	<u>5924</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

<u>19</u>	<u>Q</u>	<u>4142</u>	<u>4263</u>	<u>4390</u>	<u>4519</u>	<u>4745</u>	<u>4962</u>	<u>5193</u>	<u>5407</u>	<u>5632</u>	<u>5965</u>	<u>6204</u>
<u>19</u>	<u>S</u>	<u>4214</u>	<u>4334</u>	<u>4461</u>	<u>4591</u>	<u>4814</u>	<u>5034</u>	<u>5265</u>	<u>5479</u>	<u>5703</u>	<u>6039</u>	<u>6281</u>
<u>20</u>	<u>Q</u>	<u>4372</u>	<u>4501</u>	<u>4634</u>	<u>4771</u>	<u>5004</u>	<u>5235</u>	<u>5481</u>	<u>5714</u>	<u>5948</u>	<u>6304</u>	<u>6556</u>
<u>20</u>	<u>S</u>	<u>4445</u>	<u>4570</u>	<u>4706</u>	<u>4844</u>	<u>5080</u>	<u>5311</u>	<u>5555</u>	<u>5789</u>	<u>6020</u>	<u>6379</u>	<u>6634</u>
<u>21</u>	<u>Q</u>	<u>4611</u>	<u>4748</u>	<u>4885</u>	<u>5030</u>	<u>5287</u>	<u>5535</u>	<u>5793</u>	<u>6053</u>	<u>6303</u>	<u>6690</u>	<u>6958</u>
<u>21</u>	<u>S</u>	<u>4684</u>	<u>4820</u>	<u>4958</u>	<u>5104</u>	<u>5357</u>	<u>5609</u>	<u>5866</u>	<u>6127</u>	<u>6374</u>	<u>6763</u>	<u>7034</u>
<u>22</u>	<u>Q</u>	<u>4798</u>	<u>4940</u>	<u>5086</u>	<u>5234</u>	<u>5505</u>	<u>5572</u>	<u>6039</u>	<u>6314</u>	<u>6577</u>	<u>6978</u>	<u>7254</u>
<u>22</u>	<u>S</u>	<u>4870</u>	<u>5011</u>	<u>5158</u>	<u>5309</u>	<u>5574</u>	<u>5843</u>	<u>6108</u>	<u>6387</u>	<u>6650</u>	<u>7052</u>	<u>7332</u>
<u>24</u>	<u>Q</u>	<u>5487</u>	<u>5648</u>	<u>5818</u>	<u>5992</u>	<u>6306</u>	<u>6630</u>	<u>6946</u>	<u>7260</u>	<u>7586</u>	<u>8059</u>	<u>8382</u>
<u>24</u>	<u>S</u>	<u>5561</u>	<u>5722</u>	<u>5890</u>	<u>6064</u>	<u>6376</u>	<u>6701</u>	<u>7018</u>	<u>7334</u>	<u>7660</u>	<u>8131</u>	<u>8457</u>

**Effective July 1, 2009**  
**Bargaining Unit: CU-500**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>									
		<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>08</u>	<u>Q</u>	<u>2812</u>	<u>2880</u>	<u>2949</u>	<u>3040</u>	<u>3130</u>	<u>3228</u>	<u>3316</u>	<u>3412</u>	<u>3568</u>	<u>3712</u>
<u>13</u>	<u>Q</u>	<u>3333</u>	<u>3419</u>	<u>3509</u>	<u>3639</u>	<u>3781</u>	<u>3928</u>	<u>4065</u>	<u>4217</u>	<u>4452</u>	<u>4630</u>
<u>16</u>	<u>Q</u>	<u>3774</u>	<u>3880</u>	<u>3990</u>	<u>4166</u>	<u>4352</u>	<u>4533</u>	<u>4713</u>	<u>4904</u>	<u>5182</u>	<u>5389</u>
<u>16</u>	<u>S</u>	<u>3843</u>	<u>3950</u>	<u>4061</u>	<u>4239</u>	<u>4425</u>	<u>4604</u>	<u>4787</u>	<u>4977</u>	<u>5259</u>	<u>5469</u>
<u>17</u>	<u>Q</u>	<u>3945</u>	<u>4059</u>	<u>4175</u>	<u>4372</u>	<u>4570</u>	<u>4759</u>	<u>4952</u>	<u>5149</u>	<u>5452</u>	<u>5669</u>
<u>17</u>	<u>S</u>	<u>4020</u>	<u>4131</u>	<u>4252</u>	<u>4447</u>	<u>4643</u>	<u>4833</u>	<u>5026</u>	<u>5220</u>	<u>5526</u>	<u>5746</u>
<u>18</u>	<u>Q</u>	<u>4147</u>	<u>4271</u>	<u>4394</u>	<u>4605</u>	<u>4816</u>	<u>5032</u>	<u>5235</u>	<u>5443</u>	<u>5762</u>	<u>5992</u>
<u>18</u>	<u>S</u>	<u>4223</u>	<u>4347</u>	<u>4471</u>	<u>4679</u>	<u>4892</u>	<u>5107</u>	<u>5311</u>	<u>5516</u>	<u>5837</u>	<u>6072</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<u>19</u>	<u>Q</u>	<u>4370</u>	<u>4500</u>	<u>4632</u>	<u>4864</u>	<u>5086</u>	<u>5323</u>	<u>5542</u>	<u>5773</u>	<u>6114</u>	<u>6359</u>
<u>19</u>	<u>S</u>	<u>4442</u>	<u>4573</u>	<u>4706</u>	<u>4934</u>	<u>5160</u>	<u>5397</u>	<u>5616</u>	<u>5846</u>	<u>6190</u>	<u>6438</u>
<u>20</u>	<u>Q</u>	<u>4614</u>	<u>4750</u>	<u>4890</u>	<u>5129</u>	<u>5366</u>	<u>5618</u>	<u>5857</u>	<u>6097</u>	<u>6462</u>	<u>6720</u>
<u>20</u>	<u>S</u>	<u>4684</u>	<u>4824</u>	<u>4965</u>	<u>5207</u>	<u>5444</u>	<u>5694</u>	<u>5934</u>	<u>6171</u>	<u>6538</u>	<u>6800</u>
<u>21</u>	<u>Q</u>	<u>4867</u>	<u>5007</u>	<u>5156</u>	<u>5419</u>	<u>5673</u>	<u>5938</u>	<u>6204</u>	<u>6461</u>	<u>6857</u>	<u>7132</u>
<u>21</u>	<u>S</u>	<u>4941</u>	<u>5082</u>	<u>5232</u>	<u>5491</u>	<u>5749</u>	<u>6013</u>	<u>6280</u>	<u>6533</u>	<u>6932</u>	<u>7210</u>
<u>22</u>	<u>Q</u>	<u>5064</u>	<u>5213</u>	<u>5365</u>	<u>5643</u>	<u>5711</u>	<u>6190</u>	<u>6472</u>	<u>6741</u>	<u>7152</u>	<u>7435</u>
<u>22</u>	<u>S</u>	<u>5136</u>	<u>5287</u>	<u>5442</u>	<u>5713</u>	<u>5989</u>	<u>6261</u>	<u>6547</u>	<u>6816</u>	<u>7228</u>	<u>7515</u>
<u>24</u>	<u>Q</u>	<u>5789</u>	<u>5963</u>	<u>6142</u>	<u>6464</u>	<u>6796</u>	<u>7120</u>	<u>7442</u>	<u>7776</u>	<u>8260</u>	<u>8592</u>
<u>24</u>	<u>S</u>	<u>5865</u>	<u>6037</u>	<u>6216</u>	<u>6535</u>	<u>6869</u>	<u>7193</u>	<u>7517</u>	<u>7852</u>	<u>8334</u>	<u>8668</u>

**Effective January 1, 2010**  
**Bargaining Unit: CU-500**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>									
		<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>08</u>	<u>Q</u>	<u>2868</u>	<u>2938</u>	<u>3008</u>	<u>3101</u>	<u>3193</u>	<u>3293</u>	<u>3382</u>	<u>3480</u>	<u>3639</u>	<u>3786</u>
<u>13</u>	<u>Q</u>	<u>3400</u>	<u>3487</u>	<u>3579</u>	<u>3712</u>	<u>3857</u>	<u>4007</u>	<u>4146</u>	<u>4301</u>	<u>4541</u>	<u>4723</u>
<u>16</u>	<u>Q</u>	<u>3849</u>	<u>3958</u>	<u>4070</u>	<u>4249</u>	<u>4439</u>	<u>4624</u>	<u>4807</u>	<u>5002</u>	<u>5286</u>	<u>5497</u>
<u>16</u>	<u>S</u>	<u>3920</u>	<u>4029</u>	<u>4142</u>	<u>4324</u>	<u>4514</u>	<u>4696</u>	<u>4883</u>	<u>5077</u>	<u>5364</u>	<u>5578</u>
<u>17</u>	<u>Q</u>	<u>4024</u>	<u>4140</u>	<u>4259</u>	<u>4459</u>	<u>4661</u>	<u>4854</u>	<u>5051</u>	<u>5252</u>	<u>5561</u>	<u>5782</u>
<u>17</u>	<u>S</u>	<u>4100</u>	<u>4214</u>	<u>4337</u>	<u>4536</u>	<u>4736</u>	<u>4930</u>	<u>5127</u>	<u>5324</u>	<u>5637</u>	<u>5861</u>
<u>18</u>	<u>Q</u>	<u>4230</u>	<u>4356</u>	<u>4482</u>	<u>4697</u>	<u>4912</u>	<u>5133</u>	<u>5340</u>	<u>5552</u>	<u>5877</u>	<u>6112</u>
<u>18</u>	<u>S</u>	<u>4307</u>	<u>4434</u>	<u>4560</u>	<u>4773</u>	<u>4990</u>	<u>5209</u>	<u>5417</u>	<u>5626</u>	<u>5954</u>	<u>6193</u>
<u>19</u>	<u>Q</u>	<u>4457</u>	<u>4590</u>	<u>4725</u>	<u>4961</u>	<u>5188</u>	<u>5429</u>	<u>5653</u>	<u>5888</u>	<u>6236</u>	<u>6486</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>19</u>	<u>S</u>	<u>4531</u>	<u>4664</u>	<u>4800</u>	<u>5033</u>	<u>5263</u>	<u>5505</u>	<u>5728</u>	<u>5963</u>	<u>6314</u>	<u>6567</u>
<u>20</u>	<u>Q</u>	<u>4706</u>	<u>4845</u>	<u>4988</u>	<u>5232</u>	<u>5473</u>	<u>5730</u>	<u>5974</u>	<u>6219</u>	<u>6591</u>	<u>6854</u>
<u>20</u>	<u>S</u>	<u>4778</u>	<u>4920</u>	<u>5064</u>	<u>5311</u>	<u>5553</u>	<u>5808</u>	<u>6053</u>	<u>6294</u>	<u>6669</u>	<u>6936</u>
<u>21</u>	<u>Q</u>	<u>4964</u>	<u>5107</u>	<u>5259</u>	<u>5527</u>	<u>5786</u>	<u>6057</u>	<u>6328</u>	<u>6590</u>	<u>6994</u>	<u>7275</u>
<u>21</u>	<u>S</u>	<u>5040</u>	<u>5184</u>	<u>5337</u>	<u>5601</u>	<u>5864</u>	<u>6133</u>	<u>6406</u>	<u>6664</u>	<u>7071</u>	<u>7354</u>
<u>22</u>	<u>Q</u>	<u>5165</u>	<u>5317</u>	<u>5472</u>	<u>5756</u>	<u>5825</u>	<u>6314</u>	<u>6601</u>	<u>6876</u>	<u>7295</u>	<u>7584</u>
<u>22</u>	<u>S</u>	<u>5239</u>	<u>5393</u>	<u>5551</u>	<u>5827</u>	<u>6109</u>	<u>6386</u>	<u>6678</u>	<u>6952</u>	<u>7373</u>	<u>7665</u>
<u>24</u>	<u>Q</u>	<u>5905</u>	<u>6082</u>	<u>6265</u>	<u>6593</u>	<u>6932</u>	<u>7262</u>	<u>7591</u>	<u>7932</u>	<u>8425</u>	<u>8764</u>
<u>24</u>	<u>S</u>	<u>5982</u>	<u>6158</u>	<u>6340</u>	<u>6666</u>	<u>7006</u>	<u>7337</u>	<u>7667</u>	<u>8009</u>	<u>8501</u>	<u>8841</u>

**Effective May 10, 2007**  
**Bargaining Unit: CU-500**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
			<u>1e</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Public Service Administrator (option 7) (Corrections Parole Supervisor)	37015	Q	5096	5246	5403	5564	5856	6157	6450	6743	7045	7484	7707
Public Service Administrator (option 7) (Corrections Parole Supervisor)	37015	S	5164	5314	5470	5631	5921	6223	6517	6812	7114	7551	7774

**Effective July 1, 2007**  
**Bargaining Unit: CU-500**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
			<u>1e</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Correctional	09655	Q	4182	4305	4433	4563	4786	5008	5243	5466	5689	6030	6271

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Casework Supervisor Correctional													
Casework Supervisor	09655	S	4251	4371	4501	4633	4859	5081	5314	5537	5758	6102	6346
Casework Lieutenant	09673	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Casework Lieutenant	09673	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008
Corrections-Clerk III	09773	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029
Corrections-Clerk III	09773	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104
Corrections-Food Service Supervisor-III	09795	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections-Food Service Supervisor-III	09795	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Corrections Identification Supervisor	09800	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Identification Supervisor	09800	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362
Corrections Industry Supervisor	09807	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Industry Supervisor	09807	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Corrections Laundry Manager-II	09809	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Laundry Manager-II	09809	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362
Corrections Leisure Activity Specialist-IV	09814	Q	4182	4305	4433	4563	4786	5008	5243	5466	5689	6030	6271
Corrections Leisure Activity Specialist-IV	09814	S	4251	4371	4501	4633	4859	5081	5314	5537	5758	6102	6346
Corrections Maintenance Supervisor	09822	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029
Corrections	09822	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Maintenance Supervisor Corrections Residence Counselor II	09838	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Supply Supervisor III	09863	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Supply Supervisor III	09863	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Property and Supply Clerk III	34793	Q	2564	2623	2687	2751	2837	2921	3012	3094	3184	3330	3463
Public Service Administrator option 7 (Corrections Parole Supervisor)	37015	Q	5249	5403	5565	5731	6032	6342	6643	6945	7256	7708	8013
Public Service Administrator option 7 (Corrections Parole Supervisor)	37015	S	5319	5473	5634	5800	6099	6410	6712	7016	7327	7777	8085
Storekeeper III	43053	Q	3031	3111	3191	3274	3396	3528	3665	3793	3935	4154	4320
Youth Supervisor IV	49914	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Youth Supervisor IV	49914	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008

Effective January 1, 2008  
Bargaining Unit: CU-500

Title	Title Code	Pay Plan Code	STEPS										
			1e	1b	1a	1	2	3	4	5	6	7	8
Correctional Casework Supervisor	09655	Q	4307	4434	4566	4700	4930	5158	5400	5630	5860	6211	6459
Correctional Casework Supervisor	09655	S	4379	4502	4636	4772	5005	5233	5473	5703	5931	6285	6536
Correctional Lieutenant	09673	Q	4081	4200	4325	4452	4675	4889	5116	5327	5549	5877	6112
Correctional	09673	S	4152	4270	4395	4523	4743	4960	5187	5398	5619	5950	6188

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Lieutenant Corrections-Clerk III	09773	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180
Corrections-Clerk III	09773	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257
Corrections-Food Service Supervisor-III	09795	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections-Food Service Supervisor-III	09795	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections Identification Supervisor	09800	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections Identification Supervisor	09800	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
Corrections Industry Supervisor	09807	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections Industry Supervisor	09807	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections Laundry Manager-II	09809	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections Laundry Manager-II	09809	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
Corrections Leisure-Activity Specialist-IV	09814	Q	4307	4434	4566	4700	4930	5158	5400	5630	5860	6211	6459
Corrections Leisure-Activity Specialist-IV	09814	S	4379	4502	4636	4772	5005	5233	5473	5703	5931	6285	6536
Corrections Maintenance Supervisor	09822	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180
Corrections Maintenance Supervisor	09822	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257
Corrections Residence Counselor-II	09838	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections-Supply Supervisor-III	09863	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections-Supply	09863	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Supervisor III Property and Supply Clerk III	34793	Q	2641	2702	2768	2834	2922	3009	3102	3187	3280	3430	3567
Public Service Administrator option 7 (Corrections Parole Supervisor)	37015	Q	5406	5565	5732	5903	6213	6532	6843	7153	7474	7940	8258
Public Service Administrator option 7 (Corrections Parole Supervisor)	37015	S	5479	5637	5803	5974	6282	6602	6914	7226	7547	8011	8332
Storekeeper III	43053	Q	3122	3204	3287	3372	3498	3634	3775	3907	4053	4279	4450

**Effective May 1, 2008  
Bargaining Unit: CU-500**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	STEPS										
			1e	1b	1a	1	2	3	4	5	6	7	8
Juvenile Justice Supervisor	21980	Q	4543	4678	4813	4956	5209	5453	5707	5964	6210	6591	6855
Juvenile Justice Supervisor	21980	S	4615	4749	4885	5029	5278	5526	5779	6036	6280	6663	6930

**Effective March 1, 2009  
Bargaining Unit: CU-500**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	STEPS										
			1e	1b	1a	1	2	3	4	5	6	7	8
Juvenile Justice Youth and Family Specialist Supervisor	21995	Q	4798	4940	5086	5234	5505	5572	6039	6314	6577	6978	7254
Juvenile Justice Youth and Family Specialist Supervisor	21995	S	4870	5011	5158	5309	5574	5843	6108	6387	6650	7052	7332

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 3684, effective March 5, 2010)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, 6E, <del>and</del> 8E <u>and</u> 8T	37015	RC-063	24
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Options 8H and 9G	37015	RC-063	22
Public Service Administrator, Option 8I	37015	RC-063	22

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Department of Natural Resources			
Public Service Administrator, Option 8P	37015	RC-063	26
Department of Human Services			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Senior Public Service Administrator, Option 8E	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; 8D; 8E; 8H; 8I; 8P; 8T; 8U; and 9G. See the definition of option in Section 310.50.

**Effective May 14, 2009  
Bargaining Unit: RC-063**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
27	B	6168	6352	6544	6872	7246	7629	8016	8391	8768	9335	9708
27	Q	6448	6640	6841	7184	7575	7975	8380	8772	9166	9759	10149

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Effective July 1, 2009**  
**Bargaining Unit: RC-063**

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
14	B	3267	3356	3445	3576	3716	3878	4020	4172	4416	4592
14	Q	3405	3495	3591	3728	3880	4048	4201	4361	4615	4798
14	S	3470	3562	3658	3802	3950	4122	4274	4436	4687	4874
15	B	3395	3487	3581	3740	3894	4046	4212	4368	4631	4815
15	Q	3537	3635	3737	3901	4064	4227	4403	4565	4837	5032
15	S	3603	3704	3807	3974	4135	4303	4477	4638	4914	5110
16	B	3548	3645	3749	3917	4091	4260	4439	4616	4888	5083
16	Q	3699	3805	3913	4091	4275	4454	4637	4824	5111	5316
16	S	3772	3877	3987	4165	4351	4531	4712	4900	5181	5388
17	B	3709	3817	3929	4109	4299	4481	4663	4852	5140	5346
17	Q	3872	3985	4099	4296	4493	4680	4871	5070	5371	5587
17	S	3944	4058	4173	4371	4569	4758	4946	5143	5450	5667
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913
18	S	4144	4270	4391	4604	4815	5031	5234	5441	5758	5989
19	B	4107	4228	4357	4579	4795	5017	5229	5447	5778	6010
19	Q	4293	4422	4553	4786	5008	5247	5465	5694	6037	6279
19	S	4369	4498	4630	4862	5085	5321	5541	5771	6112	6357
20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644
20	S	4611	4747	4887	5128	5364	5616	5855	6096	6461	6719
21	B	4584	4720	4861	5112	5358	5608	5864	6108	6489	6748
21	Q	4791	4931	5080	5343	5598	5862	6128	6385	6781	7052

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

21	S	4865	5006	5156	5415	5673	5937	6203	6458	6856	7131
22	B	4845	4992	5139	5407	5671	5939	6215	6472	6875	7150
22	Q	5064	5215	5369	5651	5929	6206	6493	6766	7184	7471
22	S	5137	5290	5447	5724	6003	6279	6569	6843	7261	7551
23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23	S	5447	5608	5774	6074	6382	6680	6985	7284	7737	8045
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143
24	Q	5713	5888	6065	6388	6720	7043	7366	7700	8184	8511
24	S	5788	5961	6140	6460	6793	7117	7442	7776	8257	8587
25	B	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	Q	6093	6272	6461	6816	7173	7535	7894	8251	8780	9132
25	S	6165	6352	6537	6891	7247	7608	7966	8323	8855	9210
26	B	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324
26	Q	6453	6648	6917	7292	7678	8067	8444	8821	9392	9768
26	S	6514	6711	6982	7362	7753	8144	8524	8906	9485	9864
27	B	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
27	Q	6806	7012	7364	7764	8174	8590	8991	9395	10003	10403

**Effective January 1, 2010  
Bargaining Unit: RC-063**

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
14	B	3332	3423	3514	3648	3790	3956	4100	4255	4504	4684
14	Q	3473	3565	3663	3803	3958	4129	4285	4448	4707	4894
14	S	3539	3633	3731	3878	4029	4204	4359	4525	4781	4971
15	B	3463	3557	3653	3815	3972	4127	4296	4455	4724	4911

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

15	Q	3608	3708	3812	3979	4145	4312	4491	4656	4934	5133
15	S	3675	3778	3883	4053	4218	4389	4567	4731	5012	5212
16	B	3619	3718	3824	3995	4173	4345	4528	4708	4986	5185
16	Q	3773	3881	3991	4173	4361	4543	4730	4920	5213	5422
16	S	3847	3955	4067	4248	4438	4622	4806	4998	5285	5496
17	B	3783	3893	4008	4191	4385	4571	4756	4949	5243	5453
17	Q	3949	4065	4181	4382	4583	4774	4968	5171	5478	5699
17	S	4023	4139	4256	4458	4660	4853	5045	5246	5559	5780
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
18	S	4227	4355	4479	4696	4911	5132	5339	5550	5873	6109
19	B	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	Q	4379	4510	4644	4882	5108	5352	5574	5808	6158	6405
19	S	4456	4588	4723	4959	5187	5427	5652	5886	6234	6484
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
20	S	4703	4842	4985	5231	5471	5728	5972	6218	6590	6853
21	B	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	Q	4887	5030	5182	5450	5710	5979	6251	6513	6917	7193
21	S	4962	5106	5259	5523	5786	6056	6327	6587	6993	7274
22	B	4942	5092	5242	5515	5784	6058	6339	6601	7013	7293
22	Q	5165	5319	5476	5764	6048	6330	6623	6901	7328	7620
22	S	5240	5396	5556	5838	6123	6405	6700	6980	7406	7702
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23	S	5556	5720	5889	6195	6510	6814	7125	7430	7892	8206
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681
24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
26	Q	6582	6781	7055	7438	7832	8228	8613	8997	9580	9963
26	S	6644	6845	7122	7509	7908	8307	8694	9084	9675	10061
27	B	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	Q	6942	7152	7511	7919	8337	8762	9171	9583	10203	10611

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 3684, effective March 5, 2010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 2, 2010 through March 8, 2010 and have been scheduled for review by the Committee at its April 13, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/15/10	<u>Office of the State Fire Marshal</u> , Policy and Procedures Manual for Fire Protection Personnel (41 Ill. Adm. Code 141)	11/20/09 33 Ill. Reg. 16007	4/13/10
4/15/10	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	1/15/10 34 Ill. Reg. 602	4/13/10
4/17/10	<u>Department of Revenue</u> , Property Tax Code (86 Ill. Adm. Code 110)	1/8/10 34 Ill. Reg. 486	4/13/10

## PROCLAMATIONS

**2010-43****Illinois 2010 Winter Olympics Athletes' Day**

- WHEREAS, the Winter Olympic Games are a multi-sport event which has been held every four years since 1924, with the exception of 1944; and
- WHEREAS, in 2010 the Winter Olympics will be held in Vancouver, Canada, marking the third time Canada has hosted the Olympic Games; and
- WHEREAS, the State of Illinois has a long and rich history of sporting tradition, and a number of athletes representing the United States in the 2010 Winter Olympics hail from the Land of Lincoln; and
- WHEREAS, of the 216 athletes on the U.S. Team, 10 have local ties; and
- WHEREAS, Chicago native Ben Agosto is considered a favorite in ice dancing with his partner Tanith Belbin; and
- WHEREAS, former Plainfield Central High School Female Athlete of the Year Lisa Chesson will play for the U.S. Hockey Team; and
- WHEREAS, Chicagoan Shani Davis, the first African American athlete to win a gold medal in an individual Winter Games sport in 2006, will return to defend his title in speedskating; and
- WHEREAS, 2009 Glenbrook South High School graduate Lana Gehring is one of the youngest athletes on the U.S. team, and he will compete on the 3,000 meter relay skating team; and
- WHEREAS, speedskater Brian Hansen of Glenview is the Junior American record holder in the 1,500 meters and youngest member of the U.S. long-track speedskating team; and
- WHEREAS, University of Illinois at Urbana-Champaign physics major and speedskater Jonathan Kuck will compete in the 10,000 meters and team-pursuit races; and
- WHEREAS, Naperville's Evan Lysacek will compete for U.S. gold in figure skating; and
- WHEREAS, bobsledder Jamie Moriarty of Winnetka is a former arena football player who won two gold medals in four-man bobsled in the 2009 America's Cup; and

## PROCLAMATIONS

WHEREAS, speedskater Katherine Reutter of Champaign gained her inspiration from fellow Illinoisan, the great Bonnie Blair, and won four silver medals at the 2009 Short Track Speedskating World Cup; and

WHEREAS, Nancy Swider-Pelz Jr. of Wheaton made the speedskating long-track team by winning the 3,000 meters at the U.S. Championships in Utah; and

WHEREAS, the State of Illinois is proud to honor its Olympic athletes as the 2010 Winter Games get underway in Vancouver:

THEREFORE, be it resolved, by the State of Illinois, that I hereby proclaim February 12, 2010 as **ILLINOIS 2010 WINTER OLYMPICS ATHLETES' DAY** in recognition of our state's Olympians, and offer my best wishes for success at the 2010 Winter Olympics.

Issued by the Governor February 11, 2010

Filed by the Secretary of State March 3, 2010

**2010-44****Desert Storm Remembrance Day**

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and

WHEREAS, eighteen years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and

WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and

WHEREAS, the observance of the 19<sup>th</sup> anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 28, 2009 as **DESERT STORM REMEMBRANCE DAY** in Illinois, in honor and remembrance of those who made the ultimate sacrifice to protect our country.

Issued by the Governor February 17, 2010

Filed by the Secretary of State March 3, 2010

## PROCLAMATIONS

**2010-45****Edna Stewart Day**

- WHEREAS, Edna's Restaurant has been serving up some of the most popular soul food on the West Side of Chicago since 1966; and
- WHEREAS, owner Edna Stewart is a native Chicagoan, born and raised on the South Side. In 1955 she moved to the West Side and has been there ever since, making immeasurable contributions to the community; and
- WHEREAS, in 1966 Edna Stewart's father, Samuel Mitchell Sr. decided he wanted to go into the restaurant business, but he needed a cook; and
- WHEREAS, although she had attended nursing school as a young woman, Edna Stewart and her then-husband went into business with her father and opened Edna's Restaurant; and
- WHEREAS, the first location was inside a bowling alley and dance hall, meaning that Edna's Restaurant had customers immediately, but it was Edna Stewart's fried chicken and biscuits that really brought people in; and
- WHEREAS, Edna Stewart learned to cook from her mother, a Tennessee-born sharecropper, and her menu reflects this with pure, simple soul food; and
- WHEREAS, over more than four decades in business Edna's Restaurant has become a Chicago institution and a landmark of the civil rights era, surviving the riots of 1968; and
- WHEREAS, when the civil rights leaders were working nearby, Edna's Restaurant became a haven of food and support, with Edna Stewart feeding leaders like Dr. Martin Luther King Jr. and the Reverend Jesse Jackson; and
- WHEREAS, in addition to her famous biscuits, Edna Stewart has also served up a second chance for more than 100 formerly incarcerated individuals over the years, offering jobs to those who show that they are truly willing to work to change their lives; and
- WHEREAS, by creating critical job opportunities and offering great food that every family can afford, Edna Stewart has created a true neighborhood restaurant, a place that not only serves customers, but also gives back to the community that supports it; and

## PROCLAMATIONS

WHEREAS, during the month of February, African-American History Month, it is fitting that we take the time to recognize the people who have tirelessly worked to serve the African-American community:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 19, 2010 as **EDNA STEWART DAY** in Illinois, in recognition of more than 40 years of serving some of the best soul food in the Land of Lincoln, and offering a second chance on the West Side of Chicago.

Issued by the Governor February 18, 2010  
Filed by the Secretary of State

**2010-46****Ellane Aimiuwu**

WHEREAS, on Sunday, February 7, 2010, Illinois Department of Corrections Senior Parole Agent Ellane Aimiuwu died at the age of 57 from injuries sustained as the result of an on duty traffic accident near Mokena in Will County; and

WHEREAS, Senior Parole Agent Aimiuwu provided the Illinois Department of Corrections with his dedicated service for 11 years; and

WHEREAS, Senior Parole Agent Aimiuwu was a committed public servant, and during his tenure with the Illinois Department of Corrections received a commendation for stopping a strong arm robbery in progress while on duty, effecting the arrest of the offenders and assisting the victims; and

WHEREAS, throughout his career, Senior Parole Agent Aimiuwu represented the Parole Division, the Illinois Department of Corrections, and the State of Illinois well; and

WHEREAS, funeral services will be held on Saturday, February 20 for Senior Parole Agent Aimiuwu, who is survived by his wife, two children, and three grandchildren:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff immediately until sunset on February 20, 2010 in honor and remembrance of Senior Parole Agent Aimiuwu, whose selfless service and sacrifice is an inspiration.

Issued by the Governor February 18, 2010  
Filed by the Secretary of State March 3, 2010

## PROCLAMATIONS

**2010-47  
FFA Week**

- WHEREAS, agriculture is Illinois' largest and most productive industry, and is vital to the economic success and future prosperity of the State; and
- WHEREAS, agricultural education helps to prepare students for careers in every aspect of agriculture in order to ensure the continued success of this important industry; and
- WHEREAS, FFA is the largest career and technical student organization in the Illinois, preparing more than 17,000 students for premier leadership, personal growth and, career success; and
- WHEREAS, each member in Illinois' FFA chapters has demonstrated their interest in the field of agriculture and developed hands-on training in science, business and technology through agricultural education; and
- WHEREAS, the Illinois Association FFA has positively influenced the lives of rural and urban FFA members, parents, educators, and business and community leaders; and
- WHEREAS, more than eighty years of positive FFA influence have benefited over one million Illinois students; and
- WHEREAS, the 2010 Illinois Association FFA state theme is "Constructing Leaders of Tomorrow," to signify agriculture students' performance in the classroom as well as the community, plus their success in agriculture careers; and
- WHEREAS, a week in February has been designated as National FFA Week throughout the United States, Guam, Puerto Rico and the Virgin Islands, with the theme "Lead Out Loud," and Illinois proud to join in this spirited observance:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the week of February 20-27, 2010 as **FFA WEEK** in Illinois, and encourage citizens to recognize and encourage agricultural education programs and students in Illinois, and support the ideals of the Illinois Association FFA.

Issued by the Governor February 19, 2010  
Filed by the Secretary of State March 3, 2010

**2010-48  
Alan Haymaker**

## PROCLAMATIONS

WHEREAS, on Monday, February 22, 2010, Chicago Police Sergeant Alan Haymaker died at the age of 56 from injuries sustained as the result of an on duty traffic accident while en route to the scene of a burglary; and

WHEREAS, Sergeant Haymaker provided the Chicago Police Department with his dedicated service for 21 years, following in the footsteps of his grandfather and father who both served as police officers before him; and

WHEREAS, Sergeant Haymaker was a committed public servant who loved his job and served as a role model and mentor to younger police officers; and

WHEREAS, before joining the Chicago Police Department, Sergeant Haymaker was an assistant pastor of an evangelical church in the Jefferson Park neighborhood. He had attended the Moody Bible Institute and Trinity Evangelical University and was an active member of his church, heavily involved in the youth ministry; and

WHEREAS, Sergeant Haymaker was remembered as a dedicated family man who loved classic rock and was an avid guitar player; and

WHEREAS, throughout his career, Sergeant Haymaker represented the Chicago Police Department and the State of Illinois well; and

WHEREAS, funeral services will be held on Friday, February 26 for Sergeant Haymaker, who is survived by his wife and three children:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on February 24, 2010 until sunset on February 26, 2010 in honor and remembrance of Sergeant Haymaker, whose selfless service and sacrifice is an inspiration.

Issued by the Governor February 23, 2010

Filed by the Secretary of State March 3, 2010

**2010-49****Spread the Word to End the Word Day**

WHEREAS, respectful and inclusive language is essential to the movement for the dignity and humanity of people with intellectual disabilities. However, much of society does not recognize the hurtful, dehumanizing and exclusive effects of the words "retard" and "retarded"; and

## PROCLAMATIONS

WHEREAS, it is time to address the minority slur "retard(ed)" and raise the consciousness of society to its hurtful effects; and

WHEREAS, the Spread the Word to End the Word campaign is an ongoing effort by Special Olympics, Best Buddies International and their supporters to raise the consciousness of society about the dehumanizing and hurtful effects of the word "retard(ed)" and encourage people to pledge to stop using the R-word; and

WHEREAS, the campaign, created by youth with and without developmental disabilities, is intended to engage schools, organizations, and communities to rally and pledge their support at [www.r-word.org](http://www.r-word.org) with a goal of reaching 100,000 pledges; and

WHEREAS, on March 3, 2010, youth across the State of Illinois and throughout the United States will lead the second annual day of awareness to Spread the Word to End the Word; and

WHEREAS, the day will be devoted to educating and raising awareness of the positive impact individuals with intellectual and developmental disabilities have in our communities and why the use of the R-word is hurtful, even in casual conversation:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 3, 2010 as **SPREAD THE WORD TO END THE WORD DAY** in Illinois, and encourage all citizens to pledge to stop using the R-word, helping to make the world a more accepting place for all people.

Issued by the Governor February 24, 2010

Filed by the Secretary of State March 3, 2010

**2010-50****Model Illinois Government Days**

WHEREAS, each spring semester, students from around the State of Illinois have the opportunity to participate in a unique hands-on civic education exercise - Model Illinois Government; and

WHEREAS, the Model Illinois Government simulation is structured for a legislative simulation as well as a moot court competition. Students choose among various roles including: legislators, lobbyists, journalists, attorneys, justices, budget analysts, as well as many leadership positions within the parties and committees; and

## PROCLAMATIONS

- WHEREAS, within the legislature, students are assigned political parties and districts and placed in committees of their particular interests. The legislators then simulate the legislative processes in the actual committee rooms and chambers of the Capitol building; and
- WHEREAS, the Moot Court competition is held in the chambers that were once the home of the Illinois Supreme Court. Teams of attorneys argue before a panel of student justices and legal professionals and are scored on the basis of presentation and knowledge of the case fact; and
- WHEREAS, the Office of Management and Budget simulates how the Illinois state budget is created. Students fill the role of Analysts and are grouped in divisions. Under the direction of the Treasurer and the Director of the OMB, Analysts must balance the state budget by cutting the requests of the individual departments, in addition to balancing the priorities of the Governor and the departments; and
- WHEREAS, Model Illinois Government is a civics lesson in motion, giving hundreds of Illinois students more hands-on experience in government in one weekend than in a semester of classes, and increasing civic awareness and participation in the political process among young people; and
- WHEREAS, on February 25-28, nearly 300 students from over 20 colleges and universities across Illinois will converge on the Illinois State Capital for Model Illinois Government's 32<sup>nd</sup> annual governmental simulation:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 25-28, 2010, as **MODEL ILLINOIS GOVERNMENT DAYS** in Illinois, in recognition of Model Illinois Government for its three-decade commitment to the enrichment of students' understanding of and involvement with Illinois government.

Issued by the Governor February 24, 2010  
Filed by the Secretary of State March 3, 2010

**2010-51**  
**Dutchie Caray Day**

- WHEREAS, born Delores Goldmann in St. Louis, Missouri, "Dutchie" Caray is the widow of the late, great Harry Caray - famed announcer, restaurateur and philanthropist; and

## PROCLAMATIONS

WHEREAS, but in 1969 she was working as a waitress and raising five children when Dutchie Caray's friends took her to a restaurant in the St. Louis suburbs where she met Harry Caray for the first time; and

WHEREAS, after their initial introduction, Harry Caray would regularly ask Dutchie to dinner, and eventually, after many denials, she agreed. This began his long and very determined courtship; and

WHEREAS, even after moving to Oakland, California, and later Chicago, Harry Caray continued to pursue Dutchie, even flying back to St. Louis on his days off to visit; and

WHEREAS, After four years of asking her to marry him, Harry Caray's persistence and charm won over Dutchie Caray, and on May 19, 1975, the two were married; and

WHEREAS, for the next 23 years Dutchie Caray shared in the excitement of the life of the "Mayor of Rush Street"; and

WHEREAS, on October 23, 1987, the first Harry Caray's Italian Steakhouse opened in the heart of Chicago's River North neighborhood. The "Official Home Plate of the Chicago Cubs," has become one of the country's most nationally recognized restaurants, earning numerous awards over the years; and

WHEREAS, when Harry passed away in 1998 there was one Harry Caray's. Since then, Dutchie Caray has embraced and grown to love the life of a restaurateur. Today there are five Harry Caray's, and the sixth location - Harry Caray's Tavern on Navy Pier - will be opening on March 1, which would have been Harry Caray's 96<sup>th</sup> birthday; and

WHEREAS, in addition to working to preserve the memory of her late husband, Dutchie Caray has five children, five step-children, four grandchildren, and ten step-grandchildren. She spends her free time baking cupcakes for Holy Name Cathedral's Thursday Night Suppers, supporting numerous children's charities including the Juvenile Diabetes Research Foundation, and cheering on the Chicago Cubs:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 26, 2010 as **DUTCHIE CARAY DAY** in Illinois, in recognition of her work to help our most vulnerable citizens and preserve the memory of Harry Caray, the beloved former announcer for the Chicago Cubs.

## PROCLAMATIONS

Issued by the Governor February 25, 2010  
Filed by the Secretary of State March 3, 2010

**2010-52****Harry Caray Day**

- WHEREAS, Harry Caray was a major league baseball announcer for fifty-three years, sixteen of them with the Chicago Cubs; and
- WHEREAS, Harry Caray began his broadcasting career in St. Louis, covering the Cardinals from 1945 to 1969. It was during this time where Harry Caray gained national fame, earning the recognition of "Baseball Announcer of the Year" for seven years in a row by The Sporting News for his work with the Cardinals; and
- WHEREAS, after leaving St. Louis, Harry Caray moved to California to announce the Oakland A's games on television and radio during the 1970 season. The following year, Harry Caray came to Chicago to become the radio/television voice of the Chicago White Sox, a position he held until 1981; and
- WHEREAS, when Harry Caray joined the Cubs after the 1981 season, his fame as a broadcaster only continued to increase, as the Cubs' own television outlet, WGN-TV, was among the first of the cable television superstations to offer their programming to providers across the United States for free; and
- WHEREAS, the added exposure made Harry Caray as famous nationwide as he previously had been on Chicago's South Side as the voice of the White Sox, and before that in St. Louis as the Cardinal's announcer; and
- WHEREAS, known for his distinctive voice, his trademark barrel-shaped wide-rimmed glasses, and his tradition of leading fans in singing "Take Me Out To The Ballgame" during the seventh inning stretch, Harry Caray cemented his status as a radio and television broadcasting legend during his years with the Cubs; and
- WHEREAS, during his time in Chicago, on October 23, 1987, Caray opened Harry Caray's Italian Steakhouse in the heart of Chicago's River North neighborhood. In the years since, the "Official Home Plate of the Chicago Cubs," has become one of the country's most nationally recognized restaurants, earning numerous awards over the years; and
- WHEREAS, when Harry Caray passed away in 1998 there was still only one Harry Caray's restaurant. Since then, Harry Caray's widow Dutchie Caray has embraced the life

## PROCLAMATIONS

of a restaurateur, working to preserve the memory and the legacy of the late, great Harry Caray; and

WHEREAS, today there are five Harry Caray's, and the sixth location - Harry Caray's on Navy Pier – opens on March 1, 2010, which would have been Harry Caray's 96<sup>th</sup> birthday:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 1, 2010 as **HARRY CARAY DAY** in Illinois, in honor of the beloved Chicago legend whose name is as synonymous with Chicago baseball fans as the ivy that lines the outfield wall at Wrigley Field.

Issued by the Governor February 26, 2010

Filed by the Secretary of State March 3, 2010

**2010-53****Humane Pet Treatment Day**

WHEREAS, pets provide companionship to more than 71 million households in the United States; and

WHEREAS, for those considering pet ownership, it is important to educate oneself about the proper care and treatment of companion animals; and

WHEREAS, on February 26-28, the International Kennel Club of Chicago will host one of the largest dog shows in the country, where more than 10,000 purebred dogs from 161 breeds from across the United States and Canada will demonstrate their skills in a variety of competitions; and

WHEREAS, the International Kennel Club of Chicago Show is separated into two sides: the show side – the flashier side that many members of the public think of when they think of dog shows, and the rescue side – where dog rescue clubs and rescue dog owners show their dogs and raise awareness of adopting a rescue dog as an alternative for those considering pet ownership; and

WHEREAS, all too unfortunately, humane societies and animal shelters have to put down millions of dogs each year, many of whom are healthy and adoptable, due to a lack of critical resources and public awareness; and

WHEREAS, the tragic overpopulation of pets costs citizens and taxpayers millions of dollars annually through animal service programs aimed at coping with the millions of homeless animals; and

## PROCLAMATIONS

WHEREAS, through proper education of prospective pet owners on treatment and care of companion animals, and through the practice of spaying and neutering pets, we can dramatically reduce the overpopulation of pets, saving animal lives and taxpayer dollars; and

WHEREAS, the International Kennel Club of Chicago Show provides a wonderful opportunity to increase awareness about the importance and benefits of spaying and neutering, and to educate pet owners and prospective pet owners about responsible care of their companion animals:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 27, 2010 as **HUMANE PET TREATMENT DAY** in Illinois, to raise awareness of the importance and benefits of spaying and neutering, and to encourage all citizens considering adding a companion animal to their household to educate themselves on the proper care and treatment of pets.

Issued by the Governor February 26, 2010

Filed by the Secretary of State March 3, 2010

**2010-54****Casimir Pulaski Day**

WHEREAS, Casimir Pulaski met Benjamin Franklin when he was recruiting volunteers to fight in America's War of Independence. Aware that England had recommended that Poland be partitioned by her hostile neighbors in 1772, Pulaski enthusiastically responded to Franklin's plea for assistance; and

WHEREAS, in his letter of introduction to Washington, Franklin wrote of Casimir Pulaski as "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against ... great invading powers"; and

WHEREAS, in September 1777, while awaiting his formal appointment by Congress, Casimir Pulaski was invited by Washington to serve on his staff during the Battle of Brandywine. Pulaski's performance earned him a commission as Brigadier General of the entire American cavalry; and

WHEREAS, in 1779, Casimir Pulaski was ordered to join General Lincoln in the South to help recapture Savannah. After French General D'Estaing, leader in the attack on the southern capital, fell wounded, Pulaski is reported to have rushed forward to

## PROCLAMATIONS

assume command and raise the soldiers' spirits by his example and courage, only to be mortally wounded himself; and

WHEREAS, Casimir Pulaski was named the "Father of the American Cavalry", and remains one of the well known figures of the American Revolutionary War; and

WHEREAS, although Casimir Pulaski passed away in 1779, his legacy still lives on as we continue to honor his bravery and heroism. General Pulaski not only is a testament to the significance that Polish Americans have had in this country, but Americans of all backgrounds and ethnicities. His strong work ethic, deep religious faith, and great cultural pride truly serve as a model for all of us to follow; and

WHEREAS, with Chicago boasting the largest Polish population of any city outside of Poland, it is fitting that we take the time to recognize the amazing contributions that Casimir Pulaski has made to our nation. Since 1977, the first Monday in March has been designated Casimir Pulaski Day in Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 1, 2010 as **CASIMIR PULASKI DAY** in Illinois, and encourage all citizens to join in commemorating the life and accomplishments of a true American Revolutionary hero, the Polish patriot Casimir Pulaski.

Issued by the Governor March 1, 2010

Filed by the Secretary of State March 3, 2010

**2010-55****Illinois State Historical Society Markers Awareness Week**

WHEREAS, many places in Illinois are significant sites of local, state, national and world history; and

WHEREAS, Illinois residents and visitors coming to these sites may learn about historic people, ideas and developments there; and

WHEREAS, such visits may deepen their interest in, and appreciation of, history; and

WHEREAS, history can help them understand their places in the world and how they might improve it; and

## PROCLAMATIONS

WHEREAS, increasing visitations at historic sites may stimulate beautification, preservation, conservation, tourism and business in Illinois communities and counties where they are located; and

WHEREAS, the Illinois State Historical Society, recognized by the Illinois General Assembly in 1903, has already placed its markers at more than four hundred historic sites around the State; and

WHEREAS, the Illinois State Historical Society now seeks to heighten historical awareness in Illinois residents and visitors by calling attention to these markers and historic sites throughout the State:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 1-7, 2010, as **ILLINOIS STATE HISTORICAL SOCIETY MARKERS AWARENESS WEEK** in Illinois to raise awareness about the importance of history in Illinois and the Illinois State Historical Society's markers, and encourage all citizens to learn about historic sites in their locales, visit them, reflect on their importance in history, communicate with others about them, and attend ceremonies commemorating them.

Issued by the Governor March 1, 2010

Filed by the Secretary of State March 3, 2010

**2010-56****Day of Religious Heritage and Tolerance**

WHEREAS, many of our country's first European settlers came to this land to escape religious persecution; and

WHEREAS, Virginia's 1786 Statute for Religious Freedom, a statement of principle written by Thomas Jefferson, declared freedom of religion as the natural right of all humanity -- not a privilege for government to give or take away; it barred compulsory support of any church and ensured the freedom of all people to profess their faith openly, without fear of persecution; and

WHEREAS, five years later, the First Amendment of our Bill of Rights declared that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."; and

WHEREAS, the first European party to explore Illinois in 1673 contained a religious missionary and the first church was built here in 1696; and

## PROCLAMATIONS

WHEREAS, for more than 300 years, religious people of every kind have settled in Illinois, creating missions, founding towns, preaching in tents and building churches, temples, synagogues, schools and colleges throughout the state; and

WHEREAS, many faiths are now practiced in our state's houses of worship, and this diversity is built upon a rich tradition of religious tolerance - President Obama recently proclaiming that it was the genius of America's forefathers to protect and promote freedom of religion, including the freedom to practice none at all; and

WHEREAS, as Americans, we believe that all people have inherent dignity and worth. Though we may profess different creeds and worship in different manners and places, we respect each other's humanity and expression of faith. People with diverse views can practice their faiths in Illinois while living together in peace and harmony, carrying on our Nation's noble tradition of religious freedom; and

WHEREAS, we in Illinois draw great strength from the free exercise of religion and from the diverse communities of faith that flourish in our state, and our places of worship bring us together, support our families, nourish our hearts and minds, sustain our deepest values, give direction to our lives and provide moral guidance in the daily decisions we make; and

WHEREAS, on March 7, 2010, the Illinois State Historical Society will gather together representatives of many diverse religious bodies on the campus of Wheaton College for the purpose of honoring their contributions to Illinois during the past 150 years:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim March 7, 2010 as a **DAY OF RELIGIOUS HERITAGE AND TOLERANCE** in Illinois, and encourage all citizens to recognize the contributions of these and all other religious bodies across the state.

Issued by the Governor March 1, 2010

Filed by the Secretary of State March 3, 2010

**2010-57**

**Community Support Group Awareness Day**

WHEREAS, the hard work and determination of American citizens continue to be among our nation's greatest resources; and

WHEREAS, one person can effect a positive change with just a single volunteer action, no matter how big or small; and

## PROCLAMATIONS

WHEREAS, the basis for a safe and productive nation is the willingness of citizens to work together, without prejudice, to find solutions to the everyday struggles of our society; and

WHEREAS, the United States is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and

WHEREAS, in McHenry, Illinois, the Rotary Club of McHenry, in cooperation with other local volunteer and nonprofit groups, is organizing a St. Patrick's Day parade through downtown McHenry on March 14; and

WHEREAS, this event will not only serve to honor volunteers and nonprofit groups across the state for their contributions to our communities, but will also raise awareness of the wide variety of opportunities for volunteering that are available:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 14, 2010 as **COMMUNITY SUPPORT GROUP AWARENESS DAY** in Illinois, and urge all citizens to promote the spirit of volunteerism in our families and communities by expressing their gratitude to the noble volunteers across our state and learning more about the opportunities for volunteering available in their communities.

Issued by the Governor March 1, 2010

Filed by the Secretary of State March 3, 2010

**2010-58****Middle Level Student Leadership Week**

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and

WHEREAS, once a vision is established, it is important to determine how to get there, and essential to that success is communication, teamwork, and perseverance. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and

## PROCLAMATIONS

WHEREAS, the good leaders are those who know that, and the best leaders are those whose results support their vision; and

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and

WHEREAS, the Illinois Association of Junior High Student Councils (IAJHSC) is made up of 119 member schools across the state; and

WHEREAS, this year, the 51<sup>st</sup> Annual State Convention of the IAJHSC will be held April 16-17 at the Crowne Plaza Hotel & Convention Center Springfield, Illinois. The conference will attract more than 1,000 students and advisors from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 16-23, 2010 as **MIDDLE LEVEL STUDENT LEADERSHIP WEEK** in Illinois, in support of Student Council, and to encourage our future leaders attending the Annual State Convention of the Illinois Association of Junior High Student Councils to share and apply what they learn there.

Issued by the Governor March 1, 2010

Filed by the Secretary of State March 3, 2010

**2010-59****Month of the Young Child**

WHEREAS, all Illinois agencies and programs working with young children, in conjunction with the National Association for the Education and Prevention of Child Abuse Illinois are celebrating April 2010 as the Month of the Young Child; and

WHEREAS, all early childhood programs and agencies are working to improve early learning opportunities, including early literacy program that can provide a foundation of learning for young children in Illinois; and

WHEREAS, the month of April is also recognized as Child Abuse Prevention Month. Through this observance, Illinois is working to bring awareness of child abuse prevention so that all young children and families have resources and knowledge to create healthy, safe and loving homes; and

## PROCLAMATIONS

WHEREAS, teachers, agency leaders, staff and others who make a difference in the lives of young children in Illinois deserve thanks and recognition for the work they do on behalf of young children and families; and

WHEREAS, public policies and state decisions that support early learning for all young children are crucial to young children's futures; and

WHEREAS, Illinois recognizes the rights and needs of young children and their families and the early childhood programs and service that are necessary to meet those needs; and

WHEREAS, everyone, as citizens of a community, state, and nation, has a role to play in making young children successful and healthy as they mature:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2010 as the **MONTH OF THE YOUNG CHILD** in Illinois, and encourage all citizens to recognize this observance with appropriate activities.

Issued by the Governor March 1, 2010

Filed by the Secretary of State March 3, 2010

**2010-60****Early Hearing Detection and Intervention Day**

WHEREAS, each day in the United States, it is estimated that sixty babies are born with moderate to severe hearing loss; and

WHEREAS, early detection is the single most important factor in successful treatment of hearing loss. In Illinois, there are approximately 180,000 newborn babies who have their hearing screened every year. Recent studies suggest that intervention within the first six months of a hard of hearing infant's life is crucial to them reaching their speech, language, and learning potential; and

WHEREAS, in Illinois, nearly 500 children are born with congenital hearing loss each year; and

WHEREAS, to better deal with congenital hearing loss, the Illinois Hearing Screening for Newborns Act, passed in July of 1999, requires all birthing hospitals in the state to implement universal newborn hearing screening and reporting. The Universal Newborn Hearing Screening program was established to implement and administer the provisions of the act; and

## PROCLAMATIONS

WHEREAS, the Universal Newborn Hearing Screening program is a joint effort of two state agencies: the Department of Human Services and the Department of Public Health. These agencies, along with the University of Illinois at Chicago's Division of Specialized Care for Children, the Bureau of Early Intervention, hospital personnel, healthcare professionals, and community-based organizations, strive to ensure that parents of babies who have a hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and

WHEREAS, the State of Illinois realizes the importance of universal newborn hearing screening and its impact on not only the lives of our children but their families and communities as well:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 9, 2010 as **EARLY HEARING DETECTION AND INTERVENTION DAY** in Illinois, in order to increase awareness of the role that early detection plays in the successful treatment of hearing loss.

Issued by the Governor March 1, 2010

Filed by the Secretary of State March 3, 2010

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

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